

EQUAL EMPLOYMENT OPPORTUNITY

1901-5

HEARINGS

BEFORE THE

SPECIAL SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

SECOND SESSION

ON

PROPOSED FEDERAL LEGISLATION TO PROHIBIT DISCRIMINATION IN EMPLOYMENT IN CERTAIN CASES BECAUSE OF RACE, RELIGION, COLOR, NATIONAL ORIGIN, ANCESTRY, AGE, OR SEX

HEARINGS HELD IN WASHINGTON, D.C.,
JANUARY 15, 16, 17, 18, 19, AND 24, 1962

PART 2 AND APPENDIXES

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ADAM C. POWELL, *Chairman*



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EQUAL EMPLOYMENT OPPORTUNITY

MONDAY, JANUARY 15, 1962

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 429, Old House Office Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Powell, Roosevelt, Dent, Pucinski, Smith, Ayres, and Goodell.

Also present: Don Lowe, subcommittee director; Adrienne Fields, subcommittee clerk; Richard Burruss, minority clerk, Committee on Education and Labor; Tamara Wall, assistant general counsel for labor-management, Committee on Education and Labor.

Mr. ROOSEVELT. The subcommittee will come to order, please.

In opening these hearings of the Special Subcommittee on Labor of the U.S. House of Representatives, I want first to express my regret at having to be absent part of today and tomorrow, and I want to thank my good friend and colleague, the Honorable John H. Dent of Pennsylvania, for consenting to take up the gavel in my absence.

Our subject, equal employment opportunity, has largely comprised the work of the subcommittee for several months. During late October and early November regional hearings were held in Chicago, Los Angeles, and New York City. Our assumption that such hearings were badly needed could almost be called the understatement of the century. The subcommittee found that, despite many encouraging developments, denial of equal employment opportunity is hardly a less pressing matter today than when it first became of concern to the executive branch of the Federal Government over 20 years ago.

We have heard strong testimony to the effect:

That employment discrimination of some kind can be found in almost every industry—if not with respect to initial employment, then certainly with respect to opportunity for promotion;

That, as a consequence—especially when age and sex factors are taken into consideration—employment discrimination probably adversely affects fully 50 percent of our Nation's population;

That arbitrary denial of equal employment opportunity unquestionably contributes to our current staggering welfare assistance costs. For example, Mr. Raymond M. Hilliard, director, Cook County Department of Public Aid, conservatively estimates that \$70 million additional yearly cost in Chicago's welfare grants can be attributed solely to employment discrimination.

That industries, traditionally the prime employers of young people, are perhaps the most flagrant practitioners of employment discrimination.

That, accordingly, denial of equal employment opportunity contributes to disillusionment of high school students and increases school dropouts, currently an acute national problem.

That organized labor, despite solid advances, has much yet to do, particularly in the area of apprenticeship training; and

That all is far from right in the employment practices of the Federal Government itself, where, above all, complete fairness ought to be the rule.

In these final Washington hearings, we shall complete the regional picture by hearing witnesses from the South, Southeast, and Southwest areas of the country. We shall, in addition, hear top-level reaffirmation of our regional findings; we shall hear testimony concerning full manpower utilization in the next critical decade and testimony concerning the importance of our subject matter to the international relations of our Nation; we shall, finally, hear testimony from religious leaders of various faiths as to basic moral right in connection with equal employment opportunity legislation.

This last aspect of our concern should not be taken lightly, for, as has been frequently said, and I have said it, too, I would hope that something besides mere expediency would be sufficient to move us to action. The right of a person to fulfill the potentialities of his best self, the right of a society to be enriched by the full contribution of each of its members—these are matters vital to the very fabric of our democratic way of life. These matters pierce deeply to our basic sense of right and wrong. What the rest of the world thinks of us pales into insignificance in comparison with what we think, really think without benefit of rationalization, of ourselves. If America is, or if we can make America become, the America of all Americans, then we need have no fear of our "image" in the eyes of the world.

Following the conclusion of this week of hearings the subcommittee will meet in executive session Monday, Tuesday, and Wednesday, January 22, 23, and 24, 1962, in order to agree upon the final form of the bill to be introduced, and to be presented to the full committee for consideration.

Our first witness this morning is Mr. Herbert Hill, the labor secretary of the National Association for the Advancement of Colored People.

Mr. Hill will testify, No. 1, on the patterns of employment discrimination in the South, and No. 2, on the views of the NAACP on the proposed legislation.

Mr. Hill, we are delighted to have you with us as a long-time student of this important subject matter, and particularly this year, when, at long last, considerable hope has been presented to us that perhaps we can do something about it.

STATEMENT OF HERBERT HILL, LABOR SECRETARY, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. HILL. Thank you very much.

In the interest of saving time, I shall read portions of my prepared statement, with the request that my entire statement go into the record.

Mr. ROOSEVELT. Without objection.

Mr. HILL. Thank you so much.

My name is Herbert Hill, and I am labor secretary of the National Association for the Advancement of Colored People, whose national office is located in New York City at 20 West 40th Street. I wish, first of all, to thank the committee for this opportunity to appear and to present testimony on the urgent need for the passage of a Federal Equal Employment Opportunity Act.

The recent report on employment issued by the U.S. Commission on Civil Rights noted that the Negro worker is "trapped in a vicious circle of discrimination." For more than a decade I have worked extensively in the southern region of the United States. In the course of my work I have had an opportunity to directly observe the operation of this "vicious circle" in the many Southern States. I recognize that problems of racial discrimination are not limited to any one region of our country. I realize that civil rights represent the great unresolved social problem of the whole American society, but there can be no doubt that in the Southern States there currently exists the most extreme, rigid, and systematic pattern of employment discrimination to be found anywhere in the United States. Whatever the problem may be elsewhere, in the South the Negro worker continues to be the victim of a tradition of white supremacy which is deeply rooted and gives way but slowly to the forces of social change and to the requirements of a modern industrial society.

Industrial management and organized labor are both responsible for the continued existence of the pattern of employment discrimination throughout the South, as well as agencies of the various States and Federal Government. While it is true that an immense industrial development has been taking place in the Southeastern States since the end of World War II, a most disturbing aspect of the rapid growth of the manufacturing facilities in the South has been the serious inability of the Negro worker to register significant employment gains in the industrial plants that are transforming the southern countryside.

Investigations indicate that in the textile industry, still the basic manufacturing industry of the South, Negroes remain in a most marginal position. Among the 400,000 textile workers in Virginia, North Carolina, and South Carolina there is apparently not a single Negro employed as a weaver, spinner, or loomfixer.

One might have anticipated that southern industrial development taking place in areas of heavy Negro population would result in greater use of available Negro labor. Unfortunately, this has not occurred. For example, according to State government figures, the number of textile workers employed in South Carolina was 48,000 in 1918 and 122,000 in 1960, while the percentage of Negroes in the textile labor force fell from 9 percent to 4.7 percent over this same period.

On July 6, 1961, the National Association for the Advancement of Colored People filed complaints against major textile manufacturing companies with the President's Committee on Equal Employment Opportunity. But, because of the intransigence of the owners of the southern textile manufacturing industry, no change has taken place in the systematic pattern of discrimination in this industry.

It is necessary to state that the President's Committee on Equal Employment Opportunity has very limited powers in carrying out the intent of Executive Order 10925 which requires equal employment opportunities by all contractors doing business with the U.S. Government. The President's Committee, which was established as the enforcement agency under the Executive order, is operated without statutory authority. Thus, its impotence becomes evident when confronted by the powerful financial and political forces in control of the textile industry.

In heavy industry, the gains of Negro labor throughout the Southern States are also most limited. Negro employment is negligible in such major industrial operations as the General Motors plants in Atlanta and Doraville, Ga., and Ford Motor Co. plants in Atlanta, Memphis, Norfolk, and Dallas. In these large manufacturing plants Negroes are almost exclusively employed as sweepers, janitors, or toilet attendants. Four Negroes were promoted for the first time into production jobs in the General Motors Chevrolet Division in Atlanta—only within the past 10 weeks as a result of action by the NAACP. The Fisher Body plant of the General Motors Corp. in Atlanta remains totally "lily white" and plant security guards prevent Negroes from even entering the hiring office to file applications for employment. The recent employment study made by the U.S. Commission on Civil Rights confirms our opinion that very little progress has been made for the southern Negro in heavy industry. The Commission's findings are summarized in part in its latest published report, as follows ("Employment: 1961 U.S. Commission on Civil Rights Report No. 3," pp. 65-66):

This Commission's investigations in three cities—Atlanta, Baltimore, and Detroit—and a Commission hearing in Detroit revealed that in most industries studied, patterns of Negro employment of Federal contractors conformed to local industrial employment patterns. In the automotive industry, for example, even though each of the three manufacturers contacted had adopted a companywide policy of nondiscrimination, employment patterns varied from city to city. In Detroit, Negroes constituted a substantial proportion—from 20 to 30 percent—of the total work force. Although their representation in "nontraditional" jobs was slight, all companies employed them in all classifications other than management positions, and one company employed Negroes in administrative and management jobs as well. In Baltimore, each of the companies employed Negroes only in production work and not above the semiskilled level—as assemblers, repairmen, inspectors, and material handlers. In Atlanta, the two automobile assembly plants contacted employed no Negroes in assembly operations. Except for one driver of an inside power truck, all Negro employees observed were engaged in janitorial work—sweeping, mopping, carrying away trash. Lack of qualified applicants cannot account for the absence of Negroes from automotive assembly jobs in Atlanta. Wage rates are relatively high for the locality and the jobs are in great demand. The work is at most semiskilled and educational requirements are extremely low (present employees averaging a third-grade education). There are indications too that, in the same geographic location, patterns of Negro employment are substantially the same in plants of Government contractors as in plants of noncontractors.

The Commission's report notes that in a sample—

Of all manufacturing and assembly plants in Atlanta, Baltimore, and Detroit there was no appreciable difference between Federal contractors and noncontractors in the proportion of Negroes employed or in the types of positions in which Negroes were working. A similar conclusion was drawn on the basis of questionnaire surveys of Federal Government contractors by the Commission's State advisory committees in six southern States—Kentucky, Louisiana, North Carolina, South Carolina, Tennessee and West Virginia.

A major problem for Negro workers in southern manufacturing industry is the operation of separate racial seniority lines in collective bargaining agreements entered into by management and trade unions. Investigations of the status of Negro workers in papermaking, in chemical and oil refining, in steel and tobacco manufacturing, as well as in other important sectors of the southern industrial economy make very clear the fact that in these manufacturing operations Negroes are usually hired exclusively in classifications designated as "common laborer" or "yard labor" or "nonoperating department" or "maintenance department." These are the euphemisms for the segregated all-Negro labor departments established by the separate racial promotional lines currently required in collective bargaining agreements throughout much of southern industry.

As a result of these discriminatory provisions, white persons are usually hired initially into production and skilled craft occupations which are completely closed to qualified Negro workers. The Negro worker who is hired as a laborer in the "maintenance department" or "yard labor department" is denied seniority and promotional rights into production classifications and is also denied admission into apprenticeship and other training programs. In these situations Negro seniority rights are operative only within certain all-Negro departments and Negro workers therefore have an extremely limited job mobility. Thus, a Negro worker with 20 years seniority in a southern steel mill, papermaking factory, tobacco manufacturing plant or oil refinery, may be "promoted" only from "toilet attendant" to "sweeper." In addition, because of the operation of separate racial seniority lines, the Negro worker is frequently the victim of dishonest and inaccurate job classifications, wage differentials and denial of the right to develop job skills based upon seniority promotion.

The pulp and papermaking industry is one of the fastest growing manufacturing industries in the South today. Here, too, we find that company management and the trade unions which have jurisdiction in this important southern industry are responsible for a rigid pattern of discriminatory practices including separate racial promotional lines in union contracts which limit Negro workers to unskilled, low-paying job classifications and which violate their basic seniority rights. The two dominant unions in this industry are the United Papermakers & Paperworkers Union and the International Brotherhood of Pulp, Sulphite & Paper Mill Workers Union, both affiliated with the AFL-CIO. In virtually every papermill in the South where they hold collective bargaining agreements these two unions operate segregated locals and include discriminatory provisions in their union contracts.

A compelling example of the operation of segregated locals with separate racial seniority lines is to be found at the huge plant of the Union Bag-Camp Paper Corp. in Savannah, where thousands of persons are employed. This plant has the largest single industrial payroll in Savannah. Other examples are the plants of the International Paper Co. in Georgetown, S.C., Moss Point, Miss., and Panama City, Fla.; the Stone Container Corp., Mobile, Ala.; the Georgia Kraft Paper Co., Macon, Ga.; Owens-Illinois Glass Co., Valdosta, Ga., and many others. For years efforts by the NAACP to eliminate these discriminatory practices by organized labor and industrial management have been to no avail. The national AFL-CIO has taken no

action in this matter, and the international president of the United Papermakers & Paperworkers Union has on two occasions refused the request made by the executive secretary of the NAACP to even discuss efforts to eliminate these vicious practices.

In terms of manufacturing man-hours the tobacco industry of the South is most important and here, too, we find a rigid pattern of separate racial seniority lines in all collective bargaining agreements between the major tobacco manufacturing companies and the Tobacco Workers International Union, AFL-CIO. In one of the largest manufacturing plants, that of the Liggett & Myers Tobacco Co. in Durham, N.C., we find that all colored workers are employed in unskilled and janitorial jobs with limited seniority rights operative only in all-Negro menial classifications. Recent investigations made by the association indicate that in this tobacco manufacturing plant, as in so many others, Negroes are initially hired only as sweepers, janitors, and toilet attendants and that there is not a single Negro employed as a cigarette machine operator.

On October 10, 1961, the NAACP, acting on behalf of our members in Durham, filed complaints with the President's Committee on Equal Employment Opportunity and called attention to the fact that all Negro workers belong to segregated Local 208 of the Tobacco Workers International Union, while all white workers belong to local 176 of the same union and that in virtually every tobacco manufacturing plant organized by this international union there exists segregated locals and discriminatory job practices and the average annual wage of the Negro worker is far below that of white workers employed in the industry.

Negro railway workers throughout the South are the victims of a traditional policy of job discrimination as a result of collusion between railway management and the operating brotherhoods. Typical of these practices is the situation currently confronting Negro workers in St. Petersburg, Fla., and Memphis, Tenn. In St. Petersburg, the Atlantic Coast Line Railroad and in Memphis, the St. Louis-San Francisco Railroad Co. have entered into an agreement with the Brotherhood of Railroad Trainmen to deny qualified Negro railway workers opportunities for promotion and advancement.

It is interesting to note that the Brotherhood of Railroad Trainmen, an AFL-CIO affiliate, removed the "Caucasian only" clause from its constitution in 1959. However, this was apparently for public relations purposes only, as the union continues in most cities to exclude qualified Negro railroad employees. Frequently, in collusion with management, Negro brakemen are classified as "porters" and then refused membership in the union under the pretext of their being outside its jurisdiction. This, however, does not prevent the Trainmen's Union from negotiating wages and other conditions of employment for these so-called "porters" who have no representation in the collective bargaining unit.

Another extremely serious problem confronting Negro workers throughout the South is the discriminatory practices of State employment services. The operation of State employment services in Southern States is characterized by a rigid pattern of racial segregation and discrimination. These States include Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and, partially,

in Virginia and Tennessee. All job orders are racially designated and all job referrals are made on the basis of race. Major industrial corporations operating with Federal Government contracts cannot possibly be in compliance with the President's Executive order banning employment discrimination where such contractors in the South are using the facilities of the State employment services.

It is interesting to note that the U.S. Government is 100-percent responsible for the operating costs of all State employment services.

Federal funds are disbursed by the Department of Labor, which administers the Federal-State employment services program. It obviously makes no sense for the administration to issue Executive orders banning employment discrimination while agencies of the Federal Government subsidize such discriminatory practices. The association has repeatedly called upon the Department of Labor to take decisive action to eliminate the broad pattern of discrimination and segregation in the operation of State employment services.

As many traditional sources of Negro employment rapidly come to an end as the result of automation and other technological changes in the economy, Negroes must, of course, look to those areas of the economy where there are expanding job markets. Among the most important of these is the building and construction trades. However, here where there should be new employment opportunities for colored workers we find the old-line AFL craft union tradition of racial exclusion and segregation a major barrier in securing employment opportunities for Negro workers.

Gunnar Myrdal, in the "American Dilemma," makes the following comment, which has as much validity today as it did in 1942. The situation has been altered only very little. I quote:

The discriminatory attitude of the organized building crafts is the more significant at the present time, since they dominate the American Federation of Labor—a circumstance which is behind the reluctance of this organization to take any definite action against exclusionist and segregationist practices. ("American Dilemma," Gunnar Myrdal, Harper Bros., New York, 1944, p. 1102.)

Myrdal also commented:

That the American Federation of Labor as such is officially against racial discrimination does not mean much. The federation has never done anything to check racial discrimination exercised by its member organizations (ibid., p. 402).

The U.S. Commission on Civil Rights in its report of employment inequities has documented the extent of discrimination and segregation within organized labor. The report states that the efforts of the AFL-CIO have proved to be largely ineffective in curbing discrimination and that the impact of discrimination by trade unions, especially in the skilled craft occupations, was a basic factor in contributing to the concentration of Negroes in menial unskilled jobs in industry and to their virtual exclusion from the construction and machinist crafts and for the vulnerability of Negro labor to employment crises. The report by the U.S. Commission on Civil Rights concluded by calling for Federal legislation to prohibit racial discrimination by organized labor, stressing the inability of the American labor movement to take action on its own initiative against racist practices.

The fact is that the little progress which has been made in the last 5 years has been largely the result of protests by Negro civil rights agencies acting on behalf of Negro workers. The national AFL-CIO

and the various international unions have repeatedly refuse' to take action. Instead, the federation has, in all too many cases, waited years to acknowledge and investigate complaints by Negro workers and, often enough, has neglected to act altogether.

As long as union membership remains a condition of employment in the building and printing trades, on the railroads and elsewhere, and qualified Negroes are barred from union membership solely because of their color, then trade union discrimination is the decisive factor in determining whether Negro workers in a given industry shall have an opportunity to earn a living for themselves and their families. This is especially true in the construction industry, where AFL-CIO building trades unions exercise a high degree of control over access to employment.

AFL-CIO affiliated unions engage in four categories of discriminatory racial practices. These are: outright exclusion of Negroes, segregated locals, separate racial seniority lines in collective bargaining agreements, and exclusion of Negroes from apprenticeship training programs controlled by unions.

Today, in every large urban center in the United States, Negro workers are denied employment in the major industrial and residential construction projects because they are with some few exceptions barred from membership in the building trades craft unions. These include the International Brotherhood of Electrical Workers, the Operating Engineers, Iron & Structural Steel Workers, Plumbers & Pipe Fitters Union, Plasterers & Lathers, the Sheet Metal Workers Union, the Roofers, the Boilermakers, and others. Since the National Labor Relations Board has done little to enforce the anti-closed-shop provision of the Taft-Hartley Act, building trades unions are therefore, in most instances, closed unions operating closed shops.

The exclusion of Negroes from membership in a building trades union or limiting their membership to an all-Negro unit means in practice that qualified Negro construction workers will be denied access to the union-controlled hiring hall and, therefore, will be denied employment opportunities in the well-paid craft jobs in both public and private construction projects.

Those Negroes who belong to segregated locals often find themselves completely excluded from the major construction projects as most contractors use the hiring halls controlled by the white locals as the basic source for labor recruitment. This is especially true in Federal construction projects, and here the Federal Government bears a direct responsibility for not insisting that building contractors operating with U.S. Government funds bypass the "lily white" union-controlled hiring halls and instead pursue a policy of recruitment from the open labor market based on skill and ability rather than that of race and color. The power of building trades unions to operate such hiring halls and to maintain a very high degree of job control clearly derives from the National Labor Relations Act and it is evident that protections for the Negro worker must be added to the law in the very near future.

Quite frequently, Negroes are excluded altogether from work in white neighborhoods. This means that Negro carpenters, for example, are restricted to marginal maintenance and repair work within the Negro community and that they seldom are permitted to work on the

larger industrial and residential construction projects. The same practices are true for other building trades unions in many cities throughout the country.

Local 26 of the International Brotherhood of Electrical Workers in Washington, D.C., is a typical example of how union power is used to completely exclude Negro workers from securing employment in vast Federal construction projects. For many years qualified Negro workers have been attempting to secure admission into local 26, which controls all hiring for electrical installation work in the Nation's Capital. They have filed complaints with the President's Committee on Government Contracts which over 4 years ago brought this matter to the attention of the National AFL-CIO.

As a concession to pressure from Government agencies and to protests from Negro civil rights organizations, one Negro electrician was reluctantly permitted by the union to work in a Government installation on a temporary basis. On January 1, 1961, there were still no Negroes admitted into membership in local 26 in the Nation's Capital.

In addition to the segregated locals which I have already cited I should like to indicate the following: The Brotherhood of Railway & Steamship Clerks, which maintains segregated local lodges in northern cities as well as in the South, is among the important international unions in which a broad national pattern of segregation still obtains. In this union the existence of more than 150 all-Negro locals with separate racial seniority rosters limits job mobility and violates the seniority rights of thousands of Negro railway workers. In Chicago, for example, Negro workers are in segregated local lodge 6132 and in Tulsa, Okla., they are in local lodge 6257. In East St. Louis, there are 14 all-colored lodges and 14 all-white lodges which function through segregated joint councils. This is the pattern in most cities of the North as well as in the South. It is ironic to note that the president of the Brotherhood of Railway & Steamship Clerks, George M. Harrison, is a member of the Civil Rights Committee of the AFL-CIO and a federal vice president.

This is typical in many ways of what goes on in other areas of the country.

MR. ROOSEVELT. Mr. Hill, may I interrupt you, there, for just a moment?

Is it not true that one Negro electrician was admitted, after considerable publicity, due to the last complaint before the Commission, similar to the present Commission, under the previous administration; and while it received lots of publicity, it does not seem to have broken the so-called dam at all. Is that correct?

MR. HILL. That is quite true. I very carefully checked on this, sir, while preparing my testimony, and I find that this one Negro was not admitted into membership, sir, into local 26. He was given a temporary work permit. He was given a temporary work permit which permitted him to work on a specific job. He worked on it a matter of weeks, I understand, but he was not admitted into membership in the union, and the membership's union remains lily white. There are no Negroes admitted into local 26.

The National Association for the Advancement of Colored People has long been a supporter of democratic trade unionism and we believe that a strong, free labor movement based upon concepts of social justice and industrial democracy is very desirable in American society.

We believe that Negro wage earners especially require a militant labor movement for the purpose of securing job equality but all too frequently organized labor acts to deny Negro workers this job equality and enters into collusive practices with management to codify discriminatory employment practices into collective bargaining agreements. Therefore, we believe that it is absolutely essential for trade unions to be fully included in the coverage of any national fair employment practices law.

Discrimination against minority groups in employment has been a subject of increasing public concern over the past 20 years. Numerous Government agencies, Federal, State, and municipal, have been established for the purpose of combating job discrimination. More than 30 such agencies are functioning at the present time, including a Federal agency concerned with employment discrimination in the Federal Government and by private contractors holding Government contracts. There are State bodies in 21 Northern, border areas, and Western States and municipal bodies in seven major cities and several smaller ones. Because racial discrimination in employment is clearly contrary to the public interest, it is generally recognized that it is subject to control of law by virtue of two fundamental considerations. First, that discriminatory employment practices violate a basic individual right of American citizens and, secondly, that employment discrimination interferes with the effective utilization of the Nation's manpower resources. Most State fair employment practices laws invoke the individual rights principle in prohibiting employment discrimination. The preamble of Executive Order 10925 establishing the President's Committee on Equal Employment Opportunity includes both principles with equal emphasis.

In our opinion there are two basic questions before this congressional committee. Would a national fair employment practices law be more effective than State and municipal fair employment practices laws in achieving maximum progress toward the full equality of employment opportunity for all the American people and at the same time create significant improvement in the utilization of minority group manpower? And, No. 2, should the emphasis of a Federal fair employment practices commission be upon the processing and resolution of individual complaints or upon assuming, on its own initiative, affirmative action based on company and industrywide patterns of employment discrimination?

It is our considered opinion that the dual objectives of significantly reducing employment discrimination and simultaneously improving manpower utilization throughout the American economy can be achieved more rapidly and effectively under an all-embracing national fair employment practices law than under a variety of State and municipal statutes. A basic characteristic of American private enterprise is that it is organized predominantly on a national rather than on a State or local basis. Most of the major business enterprises in manufacturing, transportation, public utilities, mining, construction, retail trade, finance and service are national or multiregional in scope and usually have operations in many sections of the country. This basic organizational feature of American industry and business must have an important bearing on the effective administration of fair employment practices laws, especially since major policy

decisions in these enterprises are nearly always made at the national headquarters' level. Significant changes in employment practices through agency intervention can be achieved most effectively if negotiation is with national management in terms of all of its multiplant operations in a particular corporation or industry.

In the study entitled "Employing the Negro in American Industry" by Norgren, Webster, Borgeson, and Patten, published in 1959 under the sponsorship of Industrial Relations Counselors, Inc., it is reported that virtually every instance where Negroes were integrated into the work force of industrial plants, it required a basic policy decision by top national management and that in several instances such decisions were carefully programed in detail at the national management level. This study concludes that if the matter of eliminating employment discrimination had been left to the local managements in the North as well as in the South, no attempt would have been made to racially integrate the work force in these plants.

In addition, I wish to point out that all of the State and municipal fair employment practices laws are confined to the North and West. There are none in the South and only two in border States, but it is precisely in the areas not covered by such State or municipal laws that more than three-fifths of America's Negro workers reside. There is absolutely no prospect that the Southern States will enact any fair employment practices laws for many years to come.

An objective analysis of the accomplishments of State and municipal fair employment practices agencies clearly indicates that those commissions that secure compliance on the basis of total employment patterns of minority groups are far more effective than those agencies whose work is based upon individual random complaint and adjustment activity. The contrast between civil rights agencies that are simply complaint-taking bureaus with agencies that are authorized to initiate investigation and compliance procedures based upon the overall pattern of minority group employment is enormous. This opinion is corroborated by many of the country's ablest and most experienced authorities in public administration and civil rights law; therefore it is most important that in any national legislation to prohibit discrimination in employment, pattern-centered compliance and enforcement activities should be made the primary function of the administering agency. We know that in practice only a very small fraction of all individuals who are the victims of employment discrimination because of race or religion ever file complaints with civil rights agencies, either municipal, State, or Federal; therefore, in terms of the realities of eliminating discriminatory employment practices, the fundamental approach must be toward the initiation of affirmative action based upon the overall pattern of employment discrimination.

One of the serious weaknesses in the operation of many municipal and State fair employment practices commissions is that they are limited to functioning as complaint-taking agencies. If these State and municipal laws under which these agencies operate were amended to permit compliance activities to be concentrated on employment patterns, these commissions would be able to conduct their compliance efforts more efficiently and effectively. If this were the case, there would be far greater results in the reduction of discriminatory employment practices than is possible under the present preoccupation with isolated random individual complaints.

Major emphasis on pattern-centered compliance activities is even more essential in a national fair employment practices law. If such a law is to be effective, it must authorize the Federal Commission established under the law to conduct employment-pattern surveys on the basis of entire industries in order to determine the extent and nature of existing employment discrimination and to clearly identify those industries and corporations responsible for discriminatory employment practices. The Federal Commission could then initiate compliance activity based upon its own investigations and analyses.

I would like to say that at a later date the NAACP will submit a more detailed analysis of this and other provisions, in a desire to be helpful to the subcommittee, of the bill now under consideration.

Negroes now constitute a very large part of the hard-core permanently unemployed group in American society. In northern industrial centers one of every three Negro workers was unemployed sometime during 1961, and a very high proportion exhausted all of their unemployment compensation benefits.

During the past 3 years the rate of Negro unemployment was $2\frac{1}{2}$ times greater than the comparable rate for white workers. In some major industrial centers the rate of Negro unemployment during 1961 was even greater, as in Detroit, where the Negro constitutes 19.5 percent of the total work force but 61 percent of the total unemployment rate; in Chicago, the Negro constitutes 14.7 percent of the work force but 44 percent of the unemployed; or in Philadelphia, where the Negro is 13 percent of the work force but represents 54 percent of total unemployment.

As a result of automation and other technological changes in the economy, unskilled and semiskilled job occupations are disappearing at the rate of 35,000 a week, or nearly 2 million a year. These figures are based upon Bureau of Labor statistics estimates. It is precisely in these job classifications that there has been a disproportionate concentration and displacement of Negro workers. At the present time the economic well-being of the entire Negro community is directly and adversely affected by the generations of enforced overconcentration of Negro wage earners in the unskilled and marginal sectors of the industrial economy.

A continuation of this pattern will cause even greater crises in the years to come unless fundamental and rapid changes take place in the character, mobility, and diversity of Negro labor in the United States. Some important employment gains made during the wartime economic expansion and in the immediate postwar period, especially in heavy industry, have in many instances been all but totally wiped out. In the North as well as in the South there is a direct relationship between poverty and discrimination and the Federal Government must intervene to eliminate both of these related evils which endanger the American society.

The dual considerations of securing employment opportunities and of achieving the most effective utilization of the Nation's manpower supply must be recorded as among the most vital and urgent needs of the American community. Surely there are few other questions that so directly relate to the welfare of our citizens as well as to the country's place in a world where industrial power is a decisive factor. Both political parties have recognized this in principle. The Republican

Party platform states, "We pledge continued support for legislation to establish a Commission on Equal Job Opportunity * * *. The Democratic Party platform specifically endorses fair employment practices legislation which is included as a major item in the party's platform on civil rights.

The Democratic Party platform of 1960 expressly pledged: "The new Democratic administration will support Federal legislation, establishing a Fair Employment Practices Commission, to secure effectively for everyone the right to equal opportunity for employment."

It is evident that support or nonsupport from the White House can be the decisive factor in determining passage or defeat for fair employment practices legislation; however, there is also a direct party responsibility for both political groups. Negroes throughout the country will very carefully watch what Mr. McCormack, the new Speaker of the House, and his colleague, Mr. Albert, the majority leader, do on this issue. Similarly, the party responsibility of the Republicans will be indicated by Mr. Halleck and the other Republican leaders.

The New York Times of September 2, 1960, carried a front-page story from Washington, D.C., stating that—

Senator John F. Kennedy pledged himself today to supporting a drive early in the next session of Congress for passage of the Democratic platform plank on civil rights.

The New York Times also reported that—

Mr. Kennedy centered his news conference on the civil rights issue and promised to put the power of the White House, if he is elected, behind the fight to get the Democratic plank passed in the next Congress.

In the volume entitled "The Speeches of Senator John F. Kennedy, Presidential Campaign of 1960," issued as part I of the Final Report of the Senate Commerce Committee on Freedom of Communications (Report 994, pt. I, 87th Cong., 1st sess.), there appears on page 77 the following statement of Senator John F. Kennedy:

"The Democratic platform calls for fair employment practices. I have supported it when I was in the House of Representatives when it came up. I would feel that we should take action in every available area to expand civil rights, jobs and all the rest of it.

Today we can only hope that President Kennedy has not forgotten the promises of Senator Kennedy.

For the Negro wage earners in America, and indeed for all who are advocates of civil rights, what the members of both political parties do on the issue of fair employment practices in this session of the Congress will be far more important than all the rhetoric of party conventions and campaign speeches. The dubious rationalization that support for this bill will endanger other desirable legislation is completely specious and must be clearly rejected as an exercise in political dishonesty. What the administration does on the issue of fair employment practices will be long remembered and will be the decisive issue in determining the civil rights record of this Congress and the Kennedy administration.

Thank you very much.

Mr. ROOSEVELT. Mr. Hill, thank you very much for your statement.

May I first just make a statement on my own, without relationship to, and in no way reflecting the views of, the committee as such?

I am happy that you quoted from the platforms of both political parties. I believe very firmly that this legislation should be non-partisan. I believe very firmly that it is the duty of all the Members of Congress, without regard to partisan politics, to see that a strong and practical bill is passed. And I can speak only for the House of Representatives.

I agree with your thesis that it is a responsibility of the President to exert the power of the administration to see that equal consideration is given to it in the other body, where I am sure it will also have strong and liberal support.

I am distressed, sometimes, to read that the measure has strong possibilities of passing in the House and little in the other body. I believe that this is not necessarily so, and that it depends largely upon the cooperation of all of us in bringing to the attention of the people of the country the tremendous stake which our country has in the passage of this bill, not only from the moral point of view, which you properly stress, but also from the equally important point of view—the essential use of our manpower in every possible manner if we are to win the tremendous struggle in which our country is now engaged.

And I congratulate you, therefore, on the broadness of your presentation.

Mr. HILL. Thank you, sir.

Mr. ROOSEVELT. May I just ask you whether it is true, as I have been told, that the NAACP has filed approximately a hundred complaints with the President's Commission?

Mr. HILL. 344, sir. Since the establishment of the Commission in April of 1961, we filed 344 complaints.

Mr. ROOSEVELT. And of those 344, how many have been successfully completed, and has any significant change taken place in these situations?

Mr. HILL. Many of these complaints, we are told, are still in process of investigation and action.

Mr. ROOSEVELT. How long is this process of investigation?

Mr. HILL. As you know, the operation of the President's Committee on Equal Employment Opportunities is a very cumbersome process. It is an awkward and cumbersome operation.

When the Committee receives a complaint, the complaint is referred to the Government agency that awarded the contract; and they must make the initial investigation; and then the Committee has the right of either accepting or rejecting that report and making its own investigation. Then it must come before the Committee for determination. And then there are various compliance procedures. It is a very awkward and time-consuming operation.

Now, some significant breakthroughs have been made as a result of the filing of complaints on behalf of Negro workers. The most significant, in terms of public attention, was the complaints that I filed against the Lockheed Aircraft Corp. in Marietta, Ga.

Here and elsewhere, I would say that by and large the breakthroughs have been of a symbolic nature. They do not really fundamentally alter the pattern of Negro employment. They represent an initial breakthrough, and it is hoped that subsequently this will be consolidated and developed, so that other employment opportunities for Negro workers occur.

But in the most difficult cases, where we have hostile employers, as in the southern textile industry and in some industries in the North, then the Committee, because it lacks a statutory base, because it has no real authority, finds itself completely blocked from securing new job openings for Negro workers.

Where there is an employer who wishes to comply with the anti-discrimination provision in the Federal Government contract, the President's Commission undoubtedly will be very helpful. Where you have an intransigent employer, here the powers and authorities of the Committee are most limited.

In addition, I should like to point out that the Committee has no jurisdiction over trade unions; which means that in the building trades and elsewhere the employer who has a Government contract has turned over his hiring function to a third party, who is not a signatory to the contract, and therefore has achieved an immunity from the antidiscrimination provision of the Federal Government contract.

In addition, there is no coverage of State employment services. This is a very limited operation and certainly is no substitute for a Federal fair employment practices act.

Mr. ROOSEVELT. However, there is no reason why the two agencies could not be supplementary?

Mr. HILL. No, sir; absolutely not.

Mr. ROOSEVELT. Mr. Ayres?

Mr. AYRES. There were 344 complaints you filed?

Mr. HILL. 344. To be specific, these were individual complaints.

Mr. AYRES. Were those broken down as to whether they were in the North or in the South?

Mr. HILL. I would say that more than half were in the South.

Mr. AYRES. Is it more of a problem to you in the South?

Mr. HILL. It is a problem all over the country, sir. It is most sharply expressed in the South. We have similar problems in the Midwest and in the West and in the East, but one finds the most extreme expression of employment discrimination in the South; that would be correct.

Mr. AYRES. Was this employment discrimination, the cases you found, primarily dealing with the trades, rather than with industry?

Mr. HILL. No, they are mixed. For instance, we have filed against the General Motors plants both in Cleveland, Ohio, and in Atlanta, Ga. We have filed complaints against the Firestone Tire & Rubber Co., in Lake Charles, La., in the tobacco and chemical and oil refining industry. We have filed complaints against the major producers in the textile industry in the South—Deering-Millikin, Drayton Mills, Spartan Mills, Reeves Mills—many of the major producers. We have filed complaints against some railways in the South. The Illinois Central Railway's operation in Memphis; the Atlantic Coast Line in Jacksonville; and against public utilities. We have filed a great variety based on the complaints we have received from Negro workers.

Mr. AYRES. When you mention the Firestone Tire & Rubber Co., you are getting pretty close to home. Was this particular plant organized?

Mr. HILL. Yes, sir. This particular plant was organized by the Metals Trades Council of the AFL-CIO in Lake Charles, La.

And I would like to point out, if I may, sir, that the Metals Trades Council of the AFL is a department of the federation itself. It is not an affiliated international union. The "sacred cow" of local union autonomy cannot be invoked, and here then are separate racial seniority lines in the collective bargaining agreement, which limit Negro workers to menial and unskilled job classifications.

Mr. AYRES. I have been advised by the rubber industry that they, as an industry, are not wanting to have any part of being accused of discriminating, because their percentage of employees who are Negroes is one of the highest of any major industry in the United States. And are you certain, Mr. Hill, that this case that you speak of was not one that the union proposed, and management was in no position to fight?

Mr. HILL. I would say that specifically, sir, regarding this company's operation in Lake Charles, La., the collective bargaining agreement represents a codification of practices which have been traditional in that region.

Now, it is a fact that a great many Negroes are employed as production workers in the rubber industry. And this is not due to any altruism on the part of those who operate the rubber manufacturing industry. For many long years these have been regarded as Negro jobs, because they are dirty, miserable, unhealthy jobs. And starting in the 1920's when we began to have a rubber industry in this country these jobs went to Negroes.

Mr. AYRES. These are high-paying jobs?

Mr. HILL. Now they are high-paying jobs. Once upon a time the white man didn't want those jobs. They were extremely unhealthy. And in the early part of the 1930's, this became regarded as a Negro occupation in the production industry of the rubber manufacturing companies.

In Lake Charles, La., and elsewhere in the South, where Firestone and other rubber corporations have operations, they follow the local pattern on this, and they do discriminate, and usually in collusion with the trade union that holds the collective bargaining agreement.

Mr. AYRES. I will get into that when my time comes.

Mr. ROOSEVELT. The Chair would like to note at this time with appreciation the presence of the chairman of the full committee, the Honorable Adam Clayton Powell, and ask Mr. Powell whether he would not at this time wish to make any statement.

Mr. POWELL. First I would like to thank Herb Hill for his presentation and for his foremost job over the years. He speaks as an authority.

I also would like to thank this subcommittee for the hard work that they have been doing during the so-called holiday recess, crisscrossing the country, and the staff, under Don Lowe.

This legislation was born in this room 18 years ago, when the little lady from New Jersey, Mrs. Norton, was the chairman. I was author of this legislation then. Under Mr. Lesinski, later chairman, we brought it to the House for a vote. We had to vote it on Calendar Wednesday—that was about 12 years ago—and about 3 o'clock in the morning the gentleman who succeeded Mr. Lesinski prevailed with a substitute on my bill and we passed an FEPC bill without enforcement power.

For some unknown reason, for the past 10 years this has not been before this committee. But it is now before us again, and I echo the sentiments of Mr. Roosevelt that we can provide bipartisan cooperation—civil rights should never be partisan—and put this through the House. In regard to the Senate, I do not know.

So, one way or the other, we are hopeful that we can solve this national disgrace and heal the sores in our international relationships. The passage of this bill or some bill of this type with power would be of great salutary benefit to the Nation and to our foreign affairs. I am confident that my colleagues in this body will see that such a movement is carried out.

Thank you, Mr. Chairman.

Mr. ROOSEVELT. Thank you very much, Mr. Chairman.

Mr. HILL, I have just one further question, and I am not sure it is very fair to you, because you have not been in on the subcommittee deliberations. However, there has been a proposal that in order to get away from the basic charge that many of the independent commissions become judge, prosecutor, and jury, all in one, we attempt to follow a slightly different pattern, which would include the entire process of investigation conciliation. Then, following any failure to reach agreement under those proceedings, the commission then would be charged with the responsibility of becoming the prosecutor and moving directly to a Federal court, empowered either to act itself or to act by appointment of a special referee.

The process we believe might take away not only some of the rather onerous duties of trial on the part of the independent commission, bypassing some of the very legalized machinery which inevitably seems to crop up and then ends up in the court anyhow. This procedure would take us directly into the court and give us the opportunity thereby to escape the charge of trying to make a commission both a semijudicial body and a prosecutive body at the same time.

I do not think it is fair to ask you to pass on that now. We expect to have within the next few days the outline of that specific proposal. We would appreciate it if you would give it some study and perhaps send us a little memorandum within the next few days as to your general opinion, No. 1, as to its constitutionality, about which I personally have not much question, and, No. 2, whether or not it does not have some advantages not existent in the present administrative procedures of independent commissions.

Mr. HILL. We shall be very happy to draft a statement on this and related matters, which we will send on to the committee very soon.

Mr. ROOSEVELT. Thank you, sir,

At this time I want to express my regret to Mr. Powell and Mr. Hill at not being able to be present for the rest of today's proceedings. I am going to turn the gavel over to my colleague, Mr. Dent, and again express my appreciation to him for proceeding.

Before I do so, may I ask Mr. Dent whether he would not at the conclusion of the hearing put this pamphlet, entitled "The Negro and Employment Opportunities in the South," into the committee records for our further consideration?

Mr. DENT. First let me admit that Mr. Roosevelt has a much greater knowledge of this subject than I have, having acted as chairman and sponsor for quite a few years of this type of legislation.

Mr. POWELL. Will the chairman yield for a unanimous-consent request, that all mention of tariff be stricken from the record?

Mr. DENT. Well, you know, we have different opinions as to what constitutes discrimination.

Mr. Hill, there is one question I would like to ask.

Have you read this proposed draft?

Mr. HILL. Yes, sir.

Mr. DENT. Do you agree with its present form?

Mr. HILL. I think in its broad outlines it is a good draft. We, of the association, have some hesitations, and we have some suggestions on specific things, and we are going to formulate a statement. We plan to go into detail. We think this matter is so important that we are going to go into some detail, point by point, provision by provision, in a written document which we hope to submit within the next 2 weeks to the subcommittee.

But on the whole, we think it is a good draft.

Mr. DENT. There is one phase of it that disturbs me a little, having had some little experience in the drafting of Pennsylvania's law.

I note that they have a breakoff point here, of 25 employees. Is discrimination measured by degree? Is it a question of how many people are employed? Do you find that discrimination is practiced more in institutions with over 25 employees, or do you find it to be a universal setup, regardless of number of employees? To what advantage would we be working in establishing at this point, in the first act that we hope to get through with some teeth in it, as the chairman put it—what advantage do we get by limiting it to a 25-employee breakoff point?

Mr. HILL. No advantage whatsoever, sir. I would be for having five, at best. I would make the floor five.

Mr. DENT. Do you see any greater degree of difficulty in the administration of this act when you break it off at 25 or 20 or 15 or 9, or any set figure?

Mr. HILL. I think some people have an illusion that it matters and that somehow we will be able to get it passed this year or next year or 5 years hence if we have all these exclusions and things of that sort. But I think it is an illusion. I have worked with practically every State and municipal commission, I think, and in practical terms it really makes no difference.

I would be for having a minimal coverage of an enterprise with five employees.

Mr. DENT. Has anyone made a study as to the number of employees in the country who come within a certain specific employee group? For instance, how many employers in the country have 25 or more, and how many have 25 or less, and how many have 100 or more? Have you ever made that study?

Mr. HILL. I have not, but I believe that there is data. I believe that the Department of Commerce has such data on an industrywide basis. I think that would not be too difficult to get. I think that information is available.

Mr. DENT. Thank you very much. I was very interested in that point.

Mr. Goodell, you were not here for the testimony, but if you have any questions pertinent to it, we would be happy to have them.

Mr. GOODELL. Yes. Mr. Hill, this proposed draft includes discrimination on the basis of age and on the basis of sex. Do you have any comments on that, as being combined with the civil rights feature?

Mr. HILL. Yes. The NAACP believes that it is a mistake to include the question of old-age discrimination in a Federal fair employment practices bill. We do so for the following two reasons. And as I said before, we shall amplify this point in the written document we shall submit.

First, we think it weakens the services on both the old-age question as well as on the issue of discriminatory racial employment practices. The State commissions that have this responsibility have found it to be difficult. They have found that it draws off manpower and money, and it limits the ability of a commission to concentrate on the question of racial discrimination.

And at the same time, I would say that the handling of age problems has become a very specialized matter. The whole new science of geriatrics and the many important insights in psychology and psychoanalysis, dealing with the problems of older persons, of what has become known as our senior citizens—this requires people with specialized training, specialized skills.

And I think it is just unfair to everybody, both the older folks and the people who are the victims of racial employment discrimination, to throw all this together. I think it weakens the ability of such an agency to concentrate effectively and fully on both questions. And I think that it is an administrative error to include them together. We shall amplify this with some further background in our written statement.

Mr. GOODELL. You were directing your comments mainly to age. Did you mention sex?

Mr. HILL. No, I didn't. I think that it has become the practice in most places to include the issue of discrimination because of sex in the purview of such commissions. I think that is probably correct. And I would not make the same comments on this issue as I did on the old-age question.

Mr. GOODELL. I understand, Mr. Hill, as I reviewed your statement here, you made an appeal for bipartisanship in reference to this legislation; and I know our subcommittee chairman has done this in the past, and it has been a bipartisan approach. As you are well aware, I know, particularly with reference to your comments about the statements of Senator Kennedy in the campaign in 1960, he said that civil rights was going to be among the first orders of business in January, civil rights legislation. We did not hear anything about this in January 1961, or all last year.

Now he has put a reference to it in the state of the Union message. As far as I am concerned, he will have bipartisanship on the civil rights bill. I support it, and I know a great many other Republicans support it.

But would you not agree with me that we are going through a rather futile exercise here unless we get some rather strong and aggressive Presidential support on this, as far as getting legislation is concerned?

Mr. HILL. I said in my prepared statement, sir, that support or nonsupport from the White House will be the decisive factor in

determining passage or nonpassage of this legislation. And I believe that is the case.

Mr. GOODELL. Certainly lipservice is not going to be enough, or mention of the state of the Union message is not going to be enough, in view of the past battlegrounds and the amount of bloodletting that has gone on, particularly in the Senate. We know it is going to take some leadership on this issue. As a matter of fact, that was one of the strongest points that President Kennedy made in his campaign, that it takes Presidential leadership to do it.

Well, while I will not say I agree with that a hundred percent, I hope we are going to get it.

Do you have any thoughts about the question here of making this either an unfair labor practice or an unlawful labor practice, in connection with discrimination?

Mr. HILL. I think there are certain questions that directly relate to the National Labor Relations Act. For instance, I think that a union that engages in discriminatory practices because of race and color should be denied certification by the National Labor Relations Board. I believe the NLRB should establish as one of the criteria for certification a clear understanding that the union that is to be certified as the collective bargaining agent will fairly and equitably represent all the workers in its jurisdiction.

There are also some other aspects of this. As I indicated in my testimony, it is especially true in the building trades that building trades unions are operating closed hiring halls. They are closed unions operating closed hiring halls, which leads to closed shops. These unions exercise a very high degree of control over the job market, over access to employment. The employers of this country in the building and construction industry have turned over certain managerial functions to trade unions in this field.

It seems to me that there is a clear governmental responsibility here. The NLRB has not enforced the anti-closed-shop provisions of the Taft-Hartley Act. There is a tacit agreement between the construction industry, the managers of that industry, and the leaders of the Building Trades Council of the AFL, that this will not be done, and hence it has not been done; and as a result of this, Negro workers from one end of this country to the other in the building and construction industry have been victimized and denied employment.

The most vicious kinds of discriminatory employment practices go on in the construction industry of this country.

The time has come once and for all for public intervention to put an end to a series of practices which are antisocial and which hurt the entire community.

Mr. GOODELL. This is another area where I presume sincerely the national labor leadership has given lipservice and in some respects has worked hard to try to change this policy. I think we can be critical of the respects in which they have tried to change. They say they are in favor of it, but at the working level there doesn't seem to be very much change. Would you agree with that?

Mr. HILL. I would certainly agree with that. I would say it is a basic characteristic of the American Federation of Labor that it says one thing and does something else on the treatment of Negroes.

There is a disparity between the AFL's public ritual on civil rights and what the day-to-day practices are of affiliated unions throughout this country, not just in the building trades.

In the railroad industry you have the Brotherhood of Railway Trainmen, which took out the "Caucasian only" clause from its constitution in 1959, but continues to exclude Negroes in many places.

The Brotherhood of Locomotive Firemen and Enginemen still has the lily-white exclusion clause in its constitution.

In 1959 Negro workers went into the Federal district court in Cincinnati and the union defended its right to exclude Negroes, and the federation refused to say a word—refused to issue even a public statement.

This is the famous *Oliphant* case, where the Brotherhood of Locomotive Firemen and Enginemen successfully defended its right to exclude Negroes. The printing trades unions, the metal trades, the papermakers, the seafarers union and others engaged in a vicious series of discriminatory practices; which do harm to the economic base of the whole Negro community. This is true of New York City as well as Atlanta. It is true in Chicago. It is true in Cleveland.

In Cleveland there is the Brotherhood of Railway Clerks, a major international union of the Federation. And this international union, in its Midwest operations, for instance, maintains segregated locals and includes separate racial seniority lines in its collective bargaining agreements.

The reason that you have never seen a Negro as a ticket clerk in a railway station in this country is because Negroes are in a different seniority line in terms of the collective bargaining agreement.

Negroes are in a seniority line known as the freight handlers, and the white workers are in the category of baggage clerks, and eventually they become ticket agents.

In Chicago you have a segregated local. You have separate racial seniority lines, which means the Negro is limited to the unskilled, menial jobs. The Negro does the hard, backbreaking job as the freight handler. He can never become the baggage clerk and eventually come into good, white-collar and clerical positions. This is codified in the collective bargaining agreement. This is in Northern communities, and this is certainly one of the important practices to which a Federal commission must address itself to.

We have told this to the American Federation of Labor for years. We have called this to the attention of George M. Harrison, by the way, who is the president of this international union, the Brotherhood of Railway Clerks, who is not only a vice president of the AFL-CIO but also, ironically, a member of the civil rights committee of the federation. We have documented all this for the past 6 years. We have documented all of this in great detail. They have done nothing.

Negro workers have filed affidavits with the Civil Rights Department of the AFL-CIO. They have done nothing with them, often not even answered these workers.

It has become a kind of a pathetic game the federation plays in terms of creating a public image of liberalism and responsibility on the race question while their affiliated international unions in the North as well as in the South go their own merry way in their traditional anti-Negro practices.

Mr. GOODELL. We agree on the need for legislation, Mr. Hill, and we agree that perhaps the most critical factor of all is going to be the role the President chooses to take. And I did not mean to make any loose statements about Mr. Kennedy's position on this matter, and just in conclusion, I would like to quote precisely what I was talking about, and this is a critical factor for the future, in this session, of any legislation of this nature.

This was on September 9, in Los Angeles, speaking to a Negro audience, Senator Kennedy said, and I quote, September 9, 1960:

The President must give us the legal weapons needed to enforce the constitutional rights of every American. He himself must draft the programs, transmit them to the Congress, and fight for their enactment, taking his case to the people if the Congress is slow in acting. Such legislation is already being prepared. I have asked Senator Clark of Pennsylvania and Congressman Celler of New York to prepare a bill citing all the pledges of the Democratic platform, and that bill will be among the first orders of business when a new Congress meets in January.

September 9, 1960.

January and February and March and April all passed, and finally the President's press secretary was asked, in May, if there was going to be civil rights legislation with the President's endorsement, and Mr. Pierre Salinger said:

The President has made it clear that he does not think it is necessary at this time to enact civil rights legislation.

And then the President himself was asked about it a week or two later, and he said:

When I believe that we can usefully move ahead in the field of legislation in civil rights, I will recommend it to the Congress.

So we got nothing. And we will get absolutely nothing this year unless he aggressively recommends something to the Congress.

Mr. DENT. In passing, I might observe that this is the kind of legislation that will not only have bipartisan support, which Mr. Goodell has pledged, but I am sure that it will have bipartisan opposition.

In this area, where the impact of the legislation reaches into the realms of emotional and regional influences, it may be best for all of us to make this a matter of conscience, rather than political and partisanship persuasion.

The test on the President will come when the Congress has performed its duty. Speeches are one thing, but actions are another. No amount of speeches by the President or by a Member of Congress can remove from either a Member of Congress or the President the responsibility which is his under the Constitution and under our form of government.

I believe that if as great a proportion of Republicans vote for this legislation as Democrats, the President will have an opportunity to fulfill not only his natural inclinations and beliefs in this matter, but also his political promises.

The question of the right time or the proper moment for congressional action on this thing is one that remains entirely in the hands of the Congress of the United States.

I have always been one who believes in separation of powers. Throughout my whole political legislative career, which goes back over a quarter of a century, I have resented undue pressures from the executive branch on any matter, and I have, of course, represented

the right of an executive, whether in a city government or State government or the Federal Government, to submit to the Congress, as has been the custom in this country, and the historical pattern, the desires as he sees them for the good of the Nation.

However, the responsibility for passing this legislation will rest solely upon the Members of the Congress of the United States. If and when we do our duty, and the President then decides to take an action other than that with regard to which he has made a promise not only to himself and to the people, but to the country as a whole, and the Congress, then will be the time to make political speeches.

The worst thing we can do, in the interest of this legislation, is to start off now with an attack upon what might be termed the past performance or nonperformance of an individual, whether it be the President, the party leaders, or the individual Members of Congress.

Therefore, I did not quite agree with your inclusion in your statement, Mr. Hill, of the comment that Negroes throughout the country will be very carefully watching what Mr. McCormack, the Speaker, and Mr. Halleck, and the rest, do. Not only the Negroes; the people of this country will be watching it.

There is much more at stake here than the question of discrimination against Negroes, because it goes into the question of discrimination in other matters. And I think we ought to take a little heat off this particular thing and put more light into it.

Mr. GOODELL. I agree that this is going to have to be bipartisan, and I think the tenor of Mr. Hill's testimony, as I read it and from what I heard, is to the effect that we are not going to get the legislation, however, unless the President uses his authority. If he is going to sit back and wait for all the various conflicting elements in the Congress to come to some sort of a resolution on civil rights, if he is going to place getting along with the various chairmen in the Congress for other legislation ahead of the civil rights program, then he is not going to get civil rights.

We would not have had a civil rights bill in 1957 or in 1960 without strong Presidential leadership, rallying the public opinion behind that legislation. And we are not going to have it here, if we are going to sit back and just permit the President to do nothing on it but give us some lipservice.

Mr. DENT. Mr. Goodell, we will wait until the time comes for the President to act. However, I remember very distinctly the charges made by your party that when the President does use the so-called influence that you are baiting him to use in this instance, on other pieces of legislation, he is accused of using Presidential power and pressure to get legislation through.

Is that power only to be used in the matter where it might be politically expedient for the Republican Party to have an embarrassing situation grow? Or is that power to be used on all legislation?

Mr. GOODELL. He wouldn't have to take any dams away from anybody or pull anything except a little bit of statesmanlike leadership in this issue. The votes are here, and we will get it through. He is not going to have to use the kind of pressure tactics that a few people were bewailing on the Republican side last year.

Mr. DENT. I think we will wait until the time comes. Let us do our duty in this subcommittee and present it to the floor, if we can, for full

action of the committee, and then await good results I know in good conscience I will stand for. I can't speak for anybody else, including the President.

Mr. SMITH. It is interesting to me to know the President has such influence with the Republicans in the Senate who act as shock troops to prevent a change in the rules.

Mr. DEXT. Let's stay with the question. I think we could discuss this matter. That is one of the problems we are going to run into. There will be issues invoked in this thing which take away from the question of the main debate itself. I would like to see us discuss the necessity and the requirement for this kind of law, and let it stand on that.

Now, at this point I would like to call on Mr. Pucinski for any questions that he may have.

Mr. PUCINSKI. Mr. Chairman. I am very much interested in this colloquy between yourself and the gentleman from New York. But I wonder if the witness would be willing to comment on the fact that the best way to assure passage of this type of legislation in the other body is to have some real bipartisan action for the change of the rule in the other body.

They talk about lipservice over here. I think that is where the lip-service has been. Would you care to comment on that?

Mr. HULL. There is no question, sir, that we are not going to get passage of fair employment practices legislation or any other kind of civil rights legislation unless we have some changes in the rules, and here the basic responsibility, of course, is in the Senate, and this represents the great stumbling block to all civil rights legislation.

However, in this matter it seems to me that both Chambers and both political parties do have a fundamental responsibility to speak out, and that includes the President.

This is not a new matter. The first FEPC bill was presented in 1944. It has been a long time, gentlemen. This has been debated and argued. There have been books upon books and volumes upon volumes; studies, theses, monographs, arguments, and debates. We have had almost 20 years of national debate, now, on FEPC. And the fact of the matter is that we have not had any really meaningful support for FEPC from either political party.

I would like to comment that the meeting that Mr. Goodell referred to in Los Angeles was a meeting sponsored by the National Association for the Advancement of Colored People, where the President was quoted. Your quote was quite accurate. And everybody in that hall, white and colored, cheered their heads off when the President gave us a clear commitment that one of the first orders of business of his new administration would be that he would provide leadership in the fight for a national FEPC.

And we take that to be a serious commitment and a pledge. Not only Negroes—you are right, Mr. Chairman—but all advocates of civil rights in America look to Mr. Kennedy to redeem that pledge he made during the campaign, at that meeting and many other meetings across this country when he was asked what was his position on FEPC.

He made a speech in front of the Hotel Theresa in New York City at the height of the campaign before a cheering throng of people, and

he said, "I am not ashamed of the fact that when I was a Congressman I voted for FEPC, and I do not conceal my votes, and I will support FEPC, and I give you my leadership for the passage of such legislation."

Mr. SMITH. Mr. Chairman, I have a good many more important things to do than to listen to political harangues all morning.

Mr. DEXT. I think the policy has been set by the chairman, Mr. Roosevelt, and I would like to keep it in the area that he has set the policy. We are discussing the need for this legislation at the moment.

Mr. PUCINSKI. This is true, but as to the statement the gentleman is making, and the statement in his own prepared testimony—I do not think we ought to let the record stand on that.

I would like to ask this witness if he can cite me another President in recent years who has done as much at all levels of Government through his administrative powers and otherwise to help improve the situation of minority groups in this country, particularly the Negro group.

Mr. HULL. Well, if I am going to be asked political questions, I will be happy to do so, but they will have to be political answers.

Mr. PUCINSKI. You opened the door, my friend. You were citing the promises made, and you infer that the promise was not kept. I want to ask you whether or not you can cite me a better record of activity to help the minority groups, and in particular the Negro community, than has been made by Mr. Kennedy since he assumed office 12 months ago.

Mr. GOODELL. Point of order, Mr. Chairman. If he is going to be asked that question, I think he has to be given the time to answer it. He is asked a political question.

Mr. HULL. I shall be very glad to answer this if I am given an opportunity.

Mr. DEXT. The witness will have an opportunity to answer that and any other questions at the proper time. There are two other witnesses, and if you care to remain or come back later and take up the political phase of this matter on whether or not someone has made a promise or broken it, such may be done. I do not particularly think that we ought to hold these other witnesses up for that purpose.

I would suggest that in the interest of getting this legislation through, we do not open up areas of argument that will only becloud the issue; and instead of working toward the main purpose of the issue itself, we will be working toward side currents, trying to prove someone is a little darker than somebody else in their promises and keeping their promises.

I think that is entirely out of order at this time, and I would like to keep the questions, if we can, in line with the testimony given here regarding the necessity for the legislation.

Mr. PUCINSKI. I will proceed to my next question, but I would like to register my own personal protest here that after listening for 1 hour and 10 minutes to all sorts of statements by the other members of the committee, accusing the President of lip service and various other things, this witness is not now permitted to answer the question I asked him, if he can tell me of anyone who has done more to help the minority groups, and in particular the Negro community of this

country, than Mr. Kennedy. If he is not permitted to answer that question, I will proceed to my next question.

Mr. DENT. Can he answer it yes or no, or do you want him to go into a discussion going back 20 years?

Mr. PUCINSKI. I did not open this door. The witness in his own prepared statement opened it, and then you fellows, the gentleman from Pennsylvania and the gentleman from New York, went through a half hour colloquy here on this subject.

Mr. DENT. My dear sir, if you will read the record, you will note that my remarks were only trying to bring the discussion back on the track. I am trying to do that now. If you are going to question on the legislation, I will yield. If you are going to go into a political question, I will not.

Mr. AYRES. I am not going to make any political question out of it. Everybody with an ounce of commonsense knows it is filled with politics. This door was not opened today. This door was opened 20 years ago, maybe 40 years ago. When somebody leaves the door open, somebody is going to walk into it.

Mr. DENT. I would suggest it was opened up at the days of the Founding Fathers of our Nation.

Mr. PUCINSKI. Now, Mr. Chairman, I have a question to ask of this witness.

We in Illinois have recently passed an FEPC bill, and there was a rather extensive analysis of the results and the problems involved in trying to administer the bill in one of the Chicago papers last Sunday. And many of the large corporations have been quoted, I assume correctly, as pointing out that while they have gone to great pains to hire members of various minority groups to comply with the laws, so that there would be no charge, and they would not be subjected to discrimination, they have been unable to find skilled people to fill these jobs.

Now, would you care to comment on what has been your experience in this field?

Mr. HILL. Yes, sir. Thank you, Mr. Pucinski.

This last August I had the privilege of presenting testimony to this same subcommittee on the question of discrimination in apprenticeship training programs and related technical training programs, and there is no doubt that in some parts of the country there is currently a lack of Negroes and members of other minority groups who have certain industrial and technical skills, especially craft skills, and that this does represent a problem.

Now, a very good part of the reason for this is that Negroes have been excluded from apprenticeship and other training programs in industry and in the skilled craft occupations.

There is a direct relationship between discrimination, between racial discrimination, and the fact that there are a limited number of skilled craftsmen in the Negro community. In the electrical industry, in the printing industry, in electronics, in other crafts many of the apprenticeship training programs are closed to Negroes. Thus Negroes are barred from developing these skills; so that you have a vicious circle.

On the one hand you have discrimination which prevents Negroes from developing these skills. Then industry can rationalize the exclusion of Negroes by saying, "You see, there aren't any qualified Negro

persons." And so the pattern just continues. The vicious circle feeds on itself.

On the other hand, there are many situations where there are competent, highly qualified Negro technicians, Negro professionals, and here, too, we have many problems in getting them employed.

Mr. PUCINSKI. Would you be good enough to present to this committee some specific examples, not at this moment, but in a supplemental statement? I would like to see, merely because this is a question that is being asked, where there have been cases of skilled, qualified Negro workers who have been denied an opportunity at a job. Now, I am sure they are there, because this question has come up, and I think we ought to have it in the record, if we are going to discuss this question intelligently.

Now to my other question. And I do not mind telling you that I am very disappointed in the position that you have taken here regarding the inclusion of the age factor in this legislation. I completely do not accept your statement that the question of age discrimination is a specialized matter, because while we can make the point, and you have admitted yourself right now, that you have had discrimination in certain areas because these people did not have the skills, did not qualify for the jobs, in those very same areas today you have thousands of Americans who have the skill, who have had the experience, who have worked at the job as highly skilled workers for many years, and merely because of a chronological age barrier they are being denied employment in America today.

I would estimate that of the 41½ million people now unemployed in this country, at least half of them are unemployable simply because of the policies of not hiring people beyond 40. The Department of Commerce tells me that a man past 40 today has only a six to one chance of getting another job as good once he has lost his original job.

And this is a purely arbitrary rule. There is no logic behind it. Nobody can prove to me, at least he has not yet, why we have this rule. But it is no mystery today that a man past 40 many times cannot get a job.

Do you not feel, then, that we are dealing with the whole question of discrimination in hiring practices? This is not only legislation being written for the American Negro; this is legislation being written for all Americans.

Mr. HILL. I understand that.

Mr. PUCINSKI. This is legislation to deal with discrimination based on religious and ethnic backgrounds. I think you will agree that I know something about discrimination because of ethnic backgrounds. And therefore I was very disappointed when you took the position that your organization does not support inclusion of age in this bill.

How can we honestly deal with the question of discrimination in hiring practices by excluding age and sex? Would you be good enough to tell me?

Mr. HILL. First, I should like to clarify our position, sir. NAACP does support legislation to end discrimination because of age. We do support it. I want to make this absolutely clear. I am in favor of this. I think it is vitally necessary.

Solely as a practical question, as an administrative issue, in terms of the empirical considerations, we are opposed to throwing it in and giving it to an agency that has a variety of other responsibilities, because we think that both groups, both those who are the victims of employment discrimination because of race, creed, color and national origin and those who are the victims of employment discrimination because of their age, require the most intense and specialized services possible. We do not think that either group is going to get it in the establishment of a commission that deals with everything.

Now, we say this solely on the basis of analyzing the administrative experience of the State commissions that have this responsibility now.

I work with many of these State agencies. This is just an added difficulty. It becomes an afterthought. They do not have sufficient staff, sufficient personnel, and those which they do have do not have the special training required for work in this field.

I want to make it very clear that we are for aid to those who are the victims of discrimination because of age. But we do not want it thrown into this general FEPC bill and given to the Commission that we hope will result from such a bill, because it would greatly limit the ability of an agency to function on the basic question.

We think the Commission should concentrate. We think there should be a narrower area of coverage, so that the agency, the Commission, could concentrate and bring to bear all of its efforts in terms of this very serious problem. And similarly, another agency should deal with old-age problems as a separate question elsewhere. And this is being done today in many State operations.

Mr. PUCINSKI. I do not want to prolong this. There are two other questions, and Mr. Smith has some questions.

I regret to tell you I just do not agree with your position. I think that the problems, the specialized problems, that you have mentioned here are just as inherent in determining when you have discrimination because of religious background, ethnic background, color background, race background, as for age.

And if you are going to have a meaningful bill, if you are going to honestly and sincerely try to establish criteria in America to eliminate discrimination in hiring practices, I do not see how you can exclude this very horrible problem in this country today of an American worker beyond 40 not being able to get a job unless he has a highly specialized skill.

So I do not agree with you. But I will now yield to my colleague from Iowa, so that he can proceed with his questioning.

Mr. DEXT. Mr. Smith?

Mr. SMITH. No questions.

Mr. DEXT. Thank you very kindly, Mr. Hill, for coming here this morning and giving us the benefit of your observations and your knowledge on this subject. I am sure that the committee will feel free to call upon you again, and I know that you will cooperate.

Mr. HILL. Thank you, sir.

Mr. DEXT. Now we would like to have Dr. Herman Long, director of the Race Relations Department of Fisk University.

Dr. Long, you have a rather lengthy formal presentation. It would be helpful to the committee if you could submit it in toto and yet give us in a summarization the contents of it; so that it will allow some time for questioning.

STATEMENT OF DR. HERMAN H. LONG, DIRECTOR, RACE RELATIONS DEPARTMENT, BOARD FOR HOMELAND MINISTRIES, UNITED CHURCH OF CHRIST, FISK UNIVERSITY, NASHVILLE, TENN.

Dr. LONG. Thank you, Mr. Chairman. I had intended doing that. I have placed on about three cards the substance of what I want to discuss with the committee; and I will allow, as you suggest, the entire statement, the total statement, to be filed for the record.

Mr. DENT. It will go into the record at this time.

(The prepared statement of Dr. Long follows:)

TESTIMONY BY DR. HERMAN H. LONG, DIRECTOR, RACE RELATIONS DEPARTMENT, BOARD FOR HOMELAND MINISTRIES, UNITED CHURCH OF CHRIST; FISK UNIVERSITY, NASHVILLE, TENN.

PATTERNS OF NEGRO USE IN SELECTED SOUTHERN INDUSTRIES

Discrimination is a selective process which may be initiated and sustained by a variety of policies, assumptions, motivations, and established rules of operation and procedure. I believe this committee to be concerned with group discrimination, whatever may be the causal and sustaining factors, which places persons of a given group identification—race, religion, sex, or nationality—at categorical disadvantage in competing for opportunity and livelihood in the American economic system. Insofar as it is concerned with either the negative effects of such practice upon individuals or the full use of economic and human resources, its considerations bear upon the basic question of public policy in a freely competitive democratic society. But even more, to the extent that such discrimination is real and substantial—in fact and in substance—the task at hand is that of shaping an effective national policy in national legislation and of providing useful implementing vehicles in furtherance of that policy.

The considerations which I bring to this hearing are in the direction of establishing the fact of job discrimination against the Negro worker as revealed in the established selective and operating practices of industry. I shall not deal with the why, the causes, or the attitudes, although I am personally convinced that group discrimination in any form is a great moral wrong, social perhaps more than personal; and although I speak out of the context of the work in race relations of one of the major religious denominations of this country—the Congregational Christian Churches (now the United Church of Christ)—which is based upon the firm religious conviction that racial and group discrimination is an injustice and a denial of fundamental Christian principle. I might add parenthetically that this program has been in existence for 20 years, that it is located at one of the country's most important university centers, and that it has produced numerous studies of discrimination in American cities and among adjuncts of both labor and industry.

The testimony I offer seeks to detail for the Special Subcommittee on Labor the nature and extent of job discrimination revealed in the practices of southern industrial plants. It is based upon a survey of 372 industrial firms located in 4 Southern States—Kentucky, South Carolina, North Carolina, and Tennessee—done in the spring and summer of 1961.¹ A related coverage was also made of the employment practices of 248 State administrative agencies in West Virginia, North Carolina, and Tennessee, and some reference will be made to these findings as well. The central focus in this effort was upon practices of employment and upgrading affecting the Negro worker. All of the firms covered were engaged in some form of production on contract agreement with the Federal Government. In Kentucky the survey findings are based upon 36 percent of all Government contracting firms in the State; in South Carolina and Tennessee, 40 percent; and in North Carolina, 57 percent.

Two qualifying observations are called for at this point. One is that all of the firms covered were Federal Government contractors, and the likelihood is that they represent a more liberal pattern of practice in regard to the Negro

¹ Undertaken under the direction of Mr. John Hope II, director of industrial relations for the race relations department (now of the President's Committee on Equal Employment Opportunity staff) as a service to and in a consultant relationship with the civil rights advisory committees of these States.

worker that might be found among noncontracting firms which have no sanctions against racial discrimination pressing upon them from Federal or other sources. What is reported here, therefore, should be weighed as representing the better southern industrial situations, with great probability that the wider pattern of use is even less favorable.

The other is that although the firms studied are southern in location, no implication is either intended or sought in their selection insofar as comparisons with other sections of the country are concerned. They are important in their own right as suggesting the character of practices of private industry toward the Negro work force in the Southern States involved. However, in the light of considerations of national nondiscrimination policy and legislation in this field, it should be emphasized that in these and other States of this region there is no State sanction to either protect or extend the enjoyment of equal rights and opportunities for Negroes or other so-called minorities under the demand of public interest and welfare.

While the experience cited here is limited in terms of the types of industry (Federal contractors) and the number of private industrial firms covered in these States, it bears special significance for the considerations of this committee because it deals with the current situation of Negro employment practices as reported directly by industrial firms themselves. There has been, by and large, a regrettable lack of research seeking to give objective presentation of the Negro employment situation, especially in southern localities. The present effort, limited though it may be, stands almost alone as a benchmark of the current vastly uncultivated field.

II

What, then, do these studies show as to the character of employment practice affecting the opportunities of Negro workers? In summary, the answer lies in the direction of both the quantitative and qualitative aspects of employment practice. The former raises the criterion of the sheer number of Negro workers who have managed to find their way into industrial jobs, regardless of the types of jobs involved, in any degree approaching even such crude standards as their proportion in the State work force or the State population. The latter concerns the equally important matters of occupational use and upgrading--considerations which, in other words, relate to the extent to which the Negro worker has access to the full range of industrial job opportunity in the employment of his skills, abilities, and aspirations.

(1) With respect to the quantitative factor--sheer representation in and access to industrial jobs--the Negro worker is at a clear disadvantage as revealed by the experience of these firms. The 372 firms covered reported a total employee force of 88,727 workers. Of this number, the Negro employee force amounted to 12,509, or approximately 14 percent of the total. At the same time, the Negro population in the four States involved, taken as a whole, averaged to about 21 percent.

But it is more meaningful to look at the figures for each segment of industrial firms represented in the separate coverages:

	Number of firms	Total employees	Negro employees	Negro employee percentage	Negro population percentage
Kentucky.....	63	12,724	670	5.3	7.1
South Carolina.....	53	5,850	875	14.9	34.8
North Carolina.....	149	53,407	7,350	13.8	21.5
Tennessee.....	107	16,746	3,614	21.5	16.5

(2) In three of the four segments of private industrial firms in the respective States, representation of Negroes in the work force is below Negro population percentage. In the South Carolina and North Carolina private firms the differentials are substantial. Only in the Tennessee group of firms does the proportion of Negroes in the work force exceed the gross standard of State Negro population percentage.

(3) As to the number of firms employing Negro workers, better than one out of four (27 percent) had no Negro employees at all. A high 40 percent of the firms in Kentucky did not have Negro workers, with Tennessee falling

second with 32 percent of its firms. North Carolina and South Carolina firms both had 20 percent of their industrial establishments without Negro workers. In view of the fact that these are all plants which have Federal Government contracts, the expectation would be 100 percent representation of at least some Negro workers. One can say in this respect that the range of Negro work opportunity, as expressed in terms of representation, is restricted by from a fifth to 40 percent of the potential in these southern private firms.

(4) And as might be expected from these quantitative trends, the average size of the Negro work force reflected similar differentials. In slightly more than a third of the Tennessee firms, the number of Negro employees was five or less persons. Of the South Carolina establishments, 37 percent had less than 10 Negro workers; and in North Carolina, where the total work force averaged 363 employees, the average number of Negro workers was only about 20.

(5) Finally in this regard, the most serious disparity in these practices is reflected in the case of the Negro female industrial worker. In the entire work force of the Kentucky firms only 14 Negro women could be accounted for. For the North Carolina firms, only 3.5 percent had some Negro workers while 76 percent had some white female employees. In South Carolina, the corresponding proportions were: 17 percent of the firms with some Negro women as against 80 percent of firms with white women workers.

Current experience regarding the qualitative aspects of employment practice toward the Negro worker in private industrial firms is similarly discriminatory. The most salient consideration here is that even with limited and restricted access to industrial work opportunity, the Negro worker has the additional handicap of not finding access to better jobs, fuller use of his potential skills, and better paying positions. This is then, to borrow a rough legal analogy reference, a matter of "double jeopardy." In practical terms, however, it points up the cumulative nature of racially discriminatory employment practices over the full range of experience from recruitment, hiring, and job placement, to training, transfer, upgrading, and promotion. Having somewhat miraculously negotiated the hurdle of getting inside the industrial work opportunity, the Negro employee finds himself in a dead end with nowhere to go.

(1) The dominant and consistent pattern of Negro use in these firms was the heavy concentration of Negroes in the unskilled and service jobs. In performances classified as "skilled" among the Tennessee firms, 61 percent of the firms had white employees in such jobs as compared with only 32 percent having at least one Negro worker. Corresponding proportions of firms reporting a similar pattern of practice for Negro workers in the other State samples were: Kentucky, only 25 percent; North Carolina and South Carolina, approximately 4 out of every 10 firms.

(2) Practices at the upper end of the occupation scale are represented by the case of the South Carolina firms which had no Negro employees in technical and professional jobs. In about 5 percent of the firms, some Negro workers were used in supervisory functions. North Carolina had a like proportion of firms with Negro supervisory workers, although, somewhat better than locations in its bordering State, a few Negro technical and professional workers were present, as reported in the experience of 2.8 percent of the firms.

(3) The pattern of upgrading practices in these industries toward the Negro worker assumed a similarly restrictive character. In North Carolina's 149 firms with more than 7,000 Negro employees 58 percent of the plants had not upgraded a single Negro worker in recent experience; the related proportion in Tennessee was 50 percent; in South Carolina, 44 percent; and in Kentucky, 66 percent. Although the opposite instance of some upgrading of Negro workers appears high, the seemingly favorable trend is substantially qualified by the fact that extremely small numbers of Negro employees are involved. The North Carolina report indicates that in the case of some 39 firms which had done Negro upgrading, only an average of two or three workers were involved. In South Carolina the modal number of Negro workers upgraded was only 4 among 24 firms taking such action. These experiences warrant the conclusion that on the whole the upgrading of Negro workers has been negligible.

(4) All of these matters hinge insignificant degree upon the industrial firms actively involved in recruiting workers, either in terms of adding to their production force or locating the scarce commodity of technical, engineering, and managerial personnel. Almost without exception, the uniform experience of these firms was that they were not engaged in recruiting production workers; by

and large their work force had reached maximum size. In many instances, sizable groups of workers were on layoff who had first claim on new openings and opportunities for higher jobs. This avenue for altering the existing pattern of Negro use, therefore, was largely closed for the present.

(5) Effort did exist, however, to find specialists and technical workers of various sorts. Some recruitment was done, accordingly, among the colleges, engineering, and technical schools of the State and region. But in almost no instance was a Negro institution of this type, either State or private, used as a regular basis of contact, promotion, and recruitment. This is, obviously, a serious lag in active effort to establish new patterns of Negro worker use, for these institutions constitute the largest single source of trained and able Negro young people.

(6) Lastly, the means through which workers are usually added to the work force of these firms is important in assessment of the discrimination pattern. For all of the 372 firms reporting the most frequently mentioned avenues were, in this order: (a) friends and relatives of present employees; (b) workers coming on their own to the gate or employment office of the firm; and (c) referrals from the State employment services. This pattern, it may be summarized, constitutes in effect a built-in procedure whereby the existing character of the employed work force and its use remains the same. It closes, in other words, the vicious cycle of restrictive practice in which the Negro worker is caught in the industrial situation.

A special word should be added about the State employment services as one of the important avenues of access to industrial jobs. In practically all States of the southern region, including those with the industrial firms covered in this report, the physical arrangements of State employment agencies and the procedures for filling job applications and job orders, by and large, follow a pattern of racial segregation. Not only are racially specified job orders received and processed, but orders which have no racial specification, particularly if they are in the nontraditional higher occupational performances, rarely if ever get before the Negro job applicant or even to the separate offices, where such exist, handling the major load of Negro jobseekers. In the background of the broadly racially selective and discriminatory industrial practices which have been cited here, this is the capstone of the train of practice affecting opportunity for the Negro citizen. In this case, not only is State action a party to the unfortunate and inequitable effect, but Federal action as well, insofar as this situation in federally subsidized State employment services remains uncorrected.

III

A brief report of the racial practices of the public agencies in the three Southern States covered should also be given, primarily because it helps to complete the larger picture of Negro employment opportunity. Studies were done in three States with the following totals for the number of agencies and the number of workers:

	Number of agencies	Number of employees	Number of Negro employees	Percent Negro employees	Percent Negro population
West Virginia.....	89	8,682	821	9.4	5.7
North Carolina.....	87	31,977	4,532	11.0	24.5
Tennessee.....	52				

No estimate was made of the total number of State agency Negro employees in Tennessee, but in the case of West Virginia and North Carolina somewhat opposite pictures emerge. In the former case, the number of Negro employees exceeds the State Negro population percentage, and in the latter the number falls substantially below. At the same time, a higher proportion of Negro workers in North Carolina have found their way into State agency employment than in West Virginia.

In respect to the number of agencies using Negro workers, the pattern of restricted range of use which obtained among the private industrial firms is evident. This matter is of equal, if not greater, importance than mere numbers of Negro employees found in the agencies, inasmuch as the more liberal use of

Negro workers by a few agencies may inflate the Negro totals considerably. In Tennessee approximately 39 percent of the State agencies do not have any Negro employees at all. For North Carolina the proportion was 30 percent, while in North Carolina it rose to 48 percent, almost half of the agencies.

There occurs in these instances a grouping of Negro work force among a small number of State agencies, as in the instance of West Virginia where the situation indicated by the above trends would seem to be favorable. In this State 15 agencies out of the total of 89 covered account for 8 out of every 10 Negro workers under employment. Therefore only about 17 percent of the agencies have 80 percent of the total Negro employee force. Furthermore, 40 percent of the State agencies had only 5 or fewer Negro workers in their employee force, and 84 percent had only 10 or less.

An important factor not present in the case of the private industrial firms obtains in the situation of the State public agencies. It is that because of the existence of traditional segregation patterns along racial lines, a number of the State agencies are distinctly Negro in character. This qualifies even more the general figures as to the range and size of Negro State employment, inasmuch as in most of the States a sizable proportion of the Negro worker totals and agency representation is accounted for by the presence of these separate Negro-designated institutions. In West Virginia, which has accomplished a wider range of desegregation in its State institutions than exists in the other two States, some 37 percent of the entire Negro State employee force can be accounted for in the traditional segregated educational, health, and medical institutions.

In other respects, however, qualitative aspects of employment practice regarding the Negro worker in the State agencies closely follow the patterns described for the private firms. While a fifth of the agency work force in West Virginia was found in unskilled and service jobs, more than 40 percent of the Negro workers were so located. And in both Tennessee and North Carolina, service and unskilled jobs ranked highest in frequency in the use of Negro workers.

At the professional technical job levels, however, the State patterns depart radically from the private firm experience. Here, largely because of the presence of Negro agencies and institutions, there is less disparity between the total State agency work force and the Negro segment. In West Virginia, for example, 10 percent of the State Negro workers could be classified as professional as compared with about 14 percent of the total employee force.

With respect to upgrading practices, the restrictive pattern of Negro use again appears. Of the total of 205 workers reported as having been upgraded in the West Virginia agencies, 91.2 percent were white and only 8.8 percent Negro. In Tennessee, 82 percent of the agencies had ungraded white workers as compared with about half of the agencies reporting similar action for Negro employees. Comparable figures for North Carolina were 77 percent involving white workers and only 46 percent involving the Negro work force.

It is perhaps unnecessary to carry the analysis of these State practices further. The indexes mentioned suffice to describe the predominant pattern, and, with the exception of slight variations, it is similar to the experience of private firms in the use of Negro workers. Limited inclusion in the work force, limited range of use over the wide variety and number of State agencies, heavy clustering of Negro workers in the lowest job levels, and low incidence and quantity of Negro job upgrading—these are the characteristic and salient features of employment practice regarding the Negro worker by the State agencies. Add to these the practice of separate applicant and eligibility listings for Negro and white workers from which positions are filled, including the racially separate State employment service procedures and arrangements, and you have again a situation which offers little prospect for the Negro citizen beyond his present marginal status.

CONCLUSION

The impression is inescapable from this analysis of the southern-based private firms and the comparison drawn from the practices of State agencies that the pattern of discrimination against the Negro worker is not only real but it is likewise substantial. As serious as this condition is, not only among the firms and agencies studied but in the larger regional and national industrial structure as well, the most dire consequence lies in the fact that the racially discriminatory practices are part and parcel of a self-sustaining industrial procedure and system. The Negro worker, occupying a longstanding marginal position in the industrial situation, is literally held in that position by a vicious cycle of de-

partures and preferences of which the industrial procedures are a prominent and determining aspect. If it were possible to reasonably and realistically expect a radical increase of industrial growth and worker demand in the near future, the Negro employee might be dislodged from this dead-end status by the force and urgency of such development. No such prospect, however, appears in the offing. Under continuation of these self-sustaining industrial departures under which only small and limited gains are possible for the Negro worker, it is not warranted to expect that there will be a meaningful improvement in the situation of the Negro industrial worker in the next 10 years or even longer. Only the intervention of radically new influences, as in the instance of Federal nondiscriminatory policy and sanction (likewise, State and local government policy) would appear to bring sober hope for real advance.

Dr. LONG. Let me just say a word, by way of introduction, as to the work that I do in race relations.

I am chairman of a department of race relations that was established by the Congregational Christian Churches in 1942. This department was located at Fisk University, which is an institution of higher education in Nashville, Tenn.

We have been working in the field of race relations all of these years, and a good part of the work that we have done has been in the field of employment, conducting studies at local levels, some of which have been in cooperation with industry and some of which have been in cooperation with labor.

I want to present to the committee some considerations which have to do with the substance of the issue of employment discrimination in terms of its need.

It does not seem necessary to me that I cover the wide gamut of considerations which has been so well covered by Mr. Hill. I should like to dwell primarily upon the findings of a study which was made by our department just last summer and last spring, which covered the employment practices of some 372 industrial firms located in our Southern States—the States of Tennessee, West Virginia, North Carolina, and South Carolina.

Mr. DENT. Did you say West Virginia, or Virginia?

Dr. LONG. West Virginia.

The study was done, let me add, not because we had any assumptions as to whether or not firms located in these Southern States were any worse or any better than firms located in any other four States of the country, but we were concerned with these firms because they were located in the South, and because of the fact that generally there is a dearth of research which focuses upon the employment practices of firms located in southern regions.

I think perhaps these findings will be important to you because they are current, in the first place, and secondly, because they are practices which are reported to us by the firms themselves. This is what they say about what they do, upon what policies they proceed, and the types of selection which they make from the total labor force in terms of people who are used on the production line.

All of the firms which were studied in these four States were Government contractors. This might tend to suggest the possibility that these firms are not like other firms doing business in the southern region; but I do not believe this is true.

If there is anything that might be said by way of qualification, I think it is that the practices of these firms might tend to be a little more favorable than the noncontracting firms, simply for the reason

that the other firms do not have any form of sanction leveled in their direction, either at the State level or the city level, in the direction of requiring equality of opportunity in hiring and in upgrading.

I should like to cover briefly what I believe to be the three major dimensions of employment practice that reveal the character of discrimination, one of which is the pure representation of the Negro or the minority group worker, in this case the Negro worker, the sheer representation of the Negro worker in the work force of a given industry, which represents, purely in numerical terms, whether or not he is there.

Now, these firms had a total of, in round numbers, some 80,000 workers, in these four States; and there were, again in round numbers, about 12,000 Negro workers in the total work force represented by these firms.

In terms of sheer percentages—and this is not a very good criterion, but at least it is a rough one—whereas the Negro population in these States averaged around 21 percent of the total population, the Negro work force, out of the total, represented only 14 percent, in just round, quantitative numbers.

And if you look at the percentages of these separate States, you find, for example, in South Carolina and North Carolina, in the firms that we studied in these States, that some 14.9 percent of the workers were Negroes, whereas the total Negro population is some 34.5 percent; and in North Carolina about 14 percent of the workers were Negro, and the Negro population is approximately 25 percent of the total population.

This, it seems to me, is one important index describing the trend quantitatively, in rather general and rough terms, of the position of the Negro worker currently in industries which tend to be even the more favorable industries in these Southern States.

Another important indication—and I think this is true of the whole situation involving the Negro worker—is the range of opportunities that are afforded him in industrial employment. It is the range in terms of horizontal representation.

When you look at these firms in terms of the number that had any Negro worker at all, or had none, we find for example that in Kentucky 4 out of every 10 firms did not have a single Negro employee. In Tennessee, one-third of the firms did not have a single Negro employee. And in North Carolina and South Carolina, 20 percent of the firms did not have a single Negro employee.

So the range of opportunity of the Negro worker as represented in these firms is restricted, in this horizontal distribution of opportunities, as represented by industries, anywhere from a fifth of the potential to 40 percent and even more.

Now, hold in mind that these are Government contracting firms, and the expectation would be that all of the industries would be represented by having at least one Negro worker in its employ first. And yet you have, in terms of this index of general pattern of use, a considerable and substantial degree of limited opportunity insofar as the Negro worker is concerned.

The question was raised about sex as a factor in the inclusion in the legislation; and I would like to cite in this connection that among these practices in terms of range of use of the Negro worker, the Negro

female worker is most pitifully represented in terms of use in the employee force of these industrial plants.

In the North Carolina firms, for example, we found that only 3.5 percent of the firms had Negro women, or a single Negro woman, as against 75 percent of the firms that had any white women in the work force of these firms.

We found in South Carolina that 17 percent of the firms had at least one Negro female employee, as over against 80 percent of the firms that had some female employees.

In other words, the chance of a Negro woman being employed in industry, in the kinds of jobs and operations that are involved, in North Carolina, is 19 times less than that of any other woman. So you have a combination of the disability not only of sex but of color cumulatively to a rather pitiful position insofar as the Negro woman is concerned, as expressed in these practices currently.

When you look, in the second place, at another general area of evaluation of these practices, the qualitative uses of workers, again you have, it seems to me, a confirmation of the emphasis which was made in the previous testimony—the concentration in these firms of Negro workers in the unskilled categories of job opportunity.

This means performing such things as the job of helpers to maintenance crews and janitors and sweepers.

Whereas some 61 percent of the firms indicated that they had workers employed at skilled levels, less than a third of the firms indicated that they had at least one Negro employed at a level of skill; and at the professional and technical level of use of workers, it was found that in South Carolina not a single one of the firms in this State had employed a Negro in any capacity that involved a technical or professional type of job performance, and only 2 percent, 2.5 percent, of the firms in North Carolina had done so.

Another aspect of this qualitative use of the worker by industry, of course, has to do with upgrading; and again I refer to the general testimony given by Mr. Hill and cite these trends of current practice as substantiation, as further substantiation.

We found, in answer to the question, "How often is the Negro worker given an opportunity to be upgraded in the job that he is performing?"—we found in North Carolina, for example, in the plants we studied in that State, that 58 percent of the plants had never upgraded, had not upgraded a Negro worker within the past 18 months or so. This was true also of half of the firms in Tennessee, of some 40 percent of the firms in South Carolina, and two-thirds of the firms in the State of Kentucky which were studied.

These percentages may still seem a little favorable; but remember, gentlemen, that when we mention them we are talking not about large numbers of Negro workers that are being upgraded; we are talking only about an occasional upgrading of one or two Negro workers.

As a matter of fact, in the State of Kentucky, the number of Negro workers who had been upgraded over the previous 12 months or 18 months was only four. There were only four such workers. In other words, this is not substantial. It is occasional. And of course it is not meaningful in terms of opportunity for the Negro worker.

We also inquired, incidentally to this, how you get your Negro workers, if you have any. And very simply, we found that by and large, very few of these industries are actually recruiting workers.

But when it came to the level of technical workers and skilled workers and professional workers, they did do some recruiting. They were primarily interested in getting technicians and engineers and were very active in this regard. Many of them had long established relationships with the universities of the area, with the engineering schools of the area.

But not a single one of the industries that we covered reported that they had any sustaining or consistent relationship with any one of the Negro colleges of the area.

This is the largest single source of trained and informed Negro manpower of the type which industry needs and which industry is actively recruiting.

Let me mention one other aspect of the recruiting and hiring practice.

In those instances and occasions when industry is adding to its work force—these industries reported they were not doing a great deal of it at the present time—the primary sources which they indicated, from which they got their workers, were, one, they got them from the friends or the relatives of the present employees, or they got them from people who had courage enough and believed they could get a job by coming to the employment gate, or they got them from the employment service, the State employment service.

Gentlemen, when you look at this pattern of how workers get into industry, and the background of the present and established pattern of use of Negro workers, it seems to me the implication is clear. This pattern of adding to the work force is substantially a pattern which continues the present pattern of use, and which does not allow very much opportunity for the pattern to be changed.

It seems to me that when one takes these factors together, looking at them as a pattern, he is convinced, it seems to me, that what you are dealing with here is a pattern of use in which the Negro worker is literally in a dead end. There is no way for him to improve his status as an industrial worker, because of the existence of these patterns, unless there is some drastic intervention from the outside in the form of Federal legislation, in this case we hope Federal legislation, which will provide the kinds of sanctions, which will provide the kinds of standards, that will change this deep-seated pattern of use of the Negro worker.

I think it is fairly safe to say that if the present patterns continue, we cannot reasonably expect that there will be any substantial change in the position of the Negro worker in the next 10 or 15 years, or for that matter the next 50 years, unless through some great miracle there is a big expansion in the economy, where large numbers of workers are needed and large numbers of workers are added to the industrial labor force. This is not likely.

So that we have only the prospect, it seems to me, of a continuation of the same pattern of limited use, of restricted use, of occasional upgrading, of specific discrimination in terms of selection, and general lack of opportunity where the Negro worker is concerned; if one takes these patterns as an example, and I think we can.

Mr. Chairman, this is in substance what I would summarize from the report that I have already written for the committee.

Mr. DENT. Dr. Long, your survey appears to be one that was very thorough, and the corporations that you announced were those that had Government contracts. Since making your study, have you any information as to what effect the President's Committee on Employment Opportunity, including the plans for progress, has had upon this situation in these particular areas? Has there been a followup to see whether there has been an impact made on the employment practices in these corporations since your study?

Dr. LONG. We have no information to indicate the range of follow-up insofar as these 372 industries are concerned, but we have had experience, rather intimate experience, with one or two local firms—Nashville firms, for example—that are part of this sample; and I think the experience is probably typical, and you could generalize from it.

We have been in contact, for example, with one firm which employs at the present time some 2,300 workers. It operates at a maximum level of 3,000 workers. The present number of Negro employees is about 30. It varies between 30 and 35. All of the Negro workers, up until September of this year, were employed as janitors.

This firm is a Government contractor. It has made a review, as required by law, of its employee force, and there have been some negotiations with the President's Committee on Government Contracts, in terms of broadening the pattern of Negro use, just of those 35 or 39 Negro workers.

Now, what happened is that they have upgraded four of its total Negro employee force, but only to jobs that are in its appliance division. It has two divisions, an aircraft division and an appliance division. It has upgraded four Negro workers, all of whom were sweepers prior to the upgrading.

What is the difficulty, and what is the problem involved, of not placing Negroes in a wider range of jobs than is represented by these four workers, all of whom are working on a patternmaking machine for stoves?

One is the practice of the firm generally of not upgrading workers who are in the maintenance category of their work force. Workers who are in the maintenance category can only be upgraded to jobs within the maintenance category. This restricts the opportunity at that point.

Secondly, the practice of the firm is not to upgrade workers from one division of the plant to another division.

So you get a maintenance of the pattern now of Negro workers in the appliance division and not in the aircraft division. This means that they have little opportunity to get the better jobs, the higher skilled jobs, and to get training, which industry itself provides for those skilled jobs, because of this pattern of use of its workers.

How can it solve the problem of getting more workers, more Negro workers, more than the 30?

Well, the company says: "We cannot do this. It is difficult for us to do it, because we have a backlog of some 200 or 300 workers who have first priorities on the jobs that would become open when jobs are available." So we have to add to our work force when we get new contracts."

This is the kind of situation, it seems to me, which describes in detail the kind of built-in limitation that continues itself unless you have some unusual emergency development occurring.

In this case, it seems to me, if industry follows its traditional pattern, there will not be a substantial difference.

Mr. DENT. Then is it your opinion that without specific legislation such expedencies as a committee of some kind, such as the one on equal employment opportunity, does not fill the need that is apparent in this particular field?

Dr. LONG. It only fills, in my opinion, a very limited part of the need. The important thing, it seems to me, Mr. Chairman, is that we are dealing with a problem which is a national problem. We are dealing with a problem which requires the elucidation of a national policy, which is applicable to all States and applicable to all industries, across the country.

It also indicates that we cannot rest the case, it seems to me, with the initiative that the States now are taking themselves in the enactment of fair employment practices legislation, as good as those efforts are, because at best you only have 20 States represented, about, in such legislation.

So that you have a vast majority of the States left untouched by such sanctions and by such policy and a vast majority of the Negro labor force left untouched.

This seems to me to clearly call for national policy implemented by appropriate and effective legislation.

Mr. DENT. Dr. Long, in that regard, since there are some 20 States that have State laws or commissions dealing in this area of discrimination, we noted in the testimony at Los Angeles that the California State commission employed some 19 specialists in the field of older workers.

Do you know, in your studies of the four States, whether any of those four States employ specialists in that particular area of discrimination?

Dr. LONG. Not in terms of dealing with problems of discrimination, but I think the States have taken some initiative in making studies of the problem of the older worker. But there are no requirements in State policy that the skills of older workers should be used.

Mr. DENT. Mr. Ayres?

Mr. AYRES. Doctor, did you have in your questionnaire, or however you conducted your survey, any information to determine whether or not these plants included on your list were organized by any union?

Dr. LONG. Yes, we did have an item. I do not have the data immediately at hand. There were some unions present in most of the plants, but some of them were what we would call plant unions. They were not part of the organized labor organization. The vast majority did, however, have units with bargaining rights which were part of the national labor organizations.

Mr. AYRES. Mr. Hill mentioned that in some cases there were unions representing the employees, but the so-called discrimination clause was more or less written into the contract. You did not get into that phase of it?

Dr. LONG. Not in detail. We were primarily interested in the employment practices from the management standpoint, and we did not get into an analysis of the degree to which each of the unions had a nondiscriminatory clause in the contract which was negotiated with the plant.

I have no information in that regard.

Mr. DEXT. Thank you, Mr. Ayres.

Mr. Pucinski, do you have any questions at this time?

Mr. PUCINSKI. Dr. Long, I want to congratulate you on this material. I think it should go a long way in helping the committee crystallize the problem at hand.

I notice on page 8 you refer to the practices of State employment agencies following the pattern of discrimination, not only in facilities for seeking employment, but also in allocating jobs. And I was wondering whether you know of any of these Southern States that in particular have employed any intergroup relations specialists in an effort to try to remove this particular employment practice, which I know is repugnant to the President's Committee on Hiring Practices.

Do you know whether any effort at all has been made in any Southern State in that direction?

Dr. LONG. I should have mentioned that part of the studies, which you have already noticed, covered some 280 State agencies. I did mention those data here. I did not want to prolong my testimony.

But we were concerned with the practices of State agencies as well as these private firms. And to my knowledge, in specific response to your question, let me say that we found the same patterns operating among the State agencies as we found among the private firms; with one slight exception, and that was a greater use of Negro professional workers in the State agencies, due primarily to the character, I would suspect, of the types of performances that are involved in administrative programs, nonindustrial programs.

To my knowledge, there is only the State of Kentucky that has an intergroup agency appointed by the Governor or by the legislature for the purposes of dealing with these matters in terms of State policy and the interests of the State itself. No other Southern State, to my knowledge.

Mr. PUCINSKI. My final question, Doctor: In the course of this study, have you found any evidence that would give us some idea as to the degree of merit, if any, to the statement that those companies that frequently want to hire people of the various minority groups cannot find skilled help? You were here I believe when I asked the question of Mr. Hill, and I am wondering whether there is any real merit to this argument.

Dr. LONG. I think, Mr. Pucinski, that that statement should be evaluated in terms of the experience of that firm, and what that firm specifically is doing and what its practices are and what its pattern of use is.

It would seem to me personally I would look with a great deal of reservation and doubt upon a firm in which the pattern of use of Negro workers was one in which 60 or 70 percent of its Negro employees were concentrated in maintenance or in the service field, and where it had no Negro secretaries, where it had no Negro in the upper levels. I would look upon it with some degree, with a great deal, as a matter of fact, of reservation: because you can find instances of

other plants and other industries which do employ Negroes across the broad range of occupational uses.

At the same time, it is quite true that there is a dearth of Negro skilled workers, because they have not been trained, because they have not had access to apprenticeship training, because the doors have been closed to them, and also because one of the largest sources of producing skilled workers is the training that workers get in the plant itself. And unless industry is planning to upgrade Negro workers, they will not be given the training, which is possible, to acquire the skill which they would need.

Mr. PUCINSKI. I think you make a very excellent point there. We had this during our Chicago hearing. We had an employer who came before our group, and out of 8,000 workers, he had 1,200 Negroes working for him. Then, when we began to see what type of jobs they have, not a single one of these people had anything but the lowest skilled job.

So we inquired why. He tried to convince the committee that he couldn't find these people in his group of 1,200. Well, I don't think the committee quite accepted that statement, because they could have found at least a few who could move up the ladder.

But I think this is a very extremely important point that you make. I want to congratulate you on your testimony.

Thank you very much.

Mr. DENT. Mr. Goodell?

Mr. GOODELL. Yes.

Dr. LONG, very briefly: I am interested in a different emphasis on this. I notice in what you call the quantitative factors Tennessee does better than North Carolina, South Carolina, and Kentucky. The Negro percentages of employees is 21½ percent, while the population of Negroes is only 16½.

Did you see any reason for this? I am interested, because I think we also want to approach it from a positive viewpoint. If there is something being done in Tennessee that helps, maybe we ought to know about it.

Dr. LONG. I think primarily, Mr. Goodell, the point ought to be emphasized that you cannot take any one of these indexes and say that it indicates too much by itself. You have to take them together, because, for example, of the percentage. And this was true in the Tennessee figures. You may have one large industry which happens to employ a large number of Negroes, and it may make the difference in terms of numbers.

Mr. GOODELL. That is borne out, in that Tennessee is one of the highest in the number of industries that do not employ any Negroes, I notice. It is No. 2.

Dr. LONG. So you get both extremes in the same pattern.

Mr. GOODELL. In other words, would you say, from that comment, that these States - there isn't that much difference?

Dr. LONG. There isn't that much difference in terms of quantitative figures.

Mr. GOODELL. You made some particular reference to the importance of public employment agencies, and it is my understanding that this legislation will cover private employment agencies but probably will not affect public employment agencies. This is a matter of concern to me, because I agree with you. The employment agency is an important factor in this.

Do you have any comments on that?

Dr. LONG. Well, I have very strong convictions, I think borne out by the pattern that I have described, that the practice of the State employment service agency, representing perhaps the most important single avenue through which Negroes get jobs, at any rate, is a key factor; and if it is left out, you have weakened, it seems to me, the administrative correction which can be given to the problem.

As long as a public agency, a State agency, supported by Federal funds, can receive a job order specifying Negro or Jew or anything else, or white, it seems to me that the very fact that that agency in accepting that order, in processing the order, in servicing the industry which made that order, it is acting, it seems to me, in a way in which it is doing nothing more than perpetuating the pattern of segregation.

Let me emphasize that in the South you may not visualize this adequately: In the average southern community there are two employment offices, by and large, or two desks to which Negro and white workers go to make job applications. In some cases the Negro offices are manned by Negro personnel. But the job orders that go to the main office do not get, in many cases, to the Negro office, even if the job order did not specify race.

Mr. GOODELL. May I just explain?

I suspect the reason that this does not cover the public employment agencies is because it is a little outside the jurisdiction of this particular committee to run into a lot of different problems with that. However, if we cover the private employment agencies, would you anticipate there might be a pattern of these employers using the public agency exclusively and having all the Negroes go to the private employment agencies, and the employers go to the public employment agencies, because the public will remain presumably on a discriminatory basis?

Dr. LONG. I hope this isn't likely. That is all I can say.

Mr. GOODELL. I mean assuming we cover private and do not cover public. What ramifications would you see to that?

Dr. LONG. I can only say it greatly weakens the opportunity to deal with this problem in terms of the whole pattern. And it is a very important element of the pattern. It is a crucial element of the pattern.

Mr. GOODELL. I agree with you, and I would hope we could find some way to cover it.

One other brief point: We had consideration as to the relationship of the President's Committee on Equal Employment Opportunity to this new Commission that would be set up; and there was serious consideration to just putting the President's committee out of business, taking it all over under this new Commission, and having them operate with Federal employees in those companies with Federal contracts, as well as with general employers. I notice you said the President's Committee did not do a particularly good job, or at least it was limited in the job that it could do.

Dr. LONG. I did not say it did not do a good job. I said that it was proceeding—I think I so inferred, if I did not say it—was proceeding against a pattern of use in private industry that made it difficult to do an effective job.

Mr. GOODELL. I did not mean to put in any comments one way or the other about the President's Committee. They are limited in what they can do. Do you feel they are so limited that they ought to be

combined with this new Commission, or do you feel they can perform a separate role distinct from this Commission as contemplated in this legislation?

Dr. LONG. I am afraid I do not have enough knowledge of what you mean to answer the question.

A new Commission? What new Commission?

Mr. GOODELL. Well, what is contemplated by this new legislation?

Dr. LONG. I have not seen the legislation, I should explain. I am sorry.

Mr. GOODELL. Then I will defer the question.

Mr. DENT. I might say that as one member of the subcommittee, I have pointed out the very grave danger involved in just covering the private agencies. I am happy to see that your observations are along the same line, because I know, speaking for my own State, outside of plant-size hiring, the bulk of the hiring is done in the public agencies; and you may not even have this legislation in, I would say, the major part of the communities in Pennsylvania, unless public agencies are covered by the act. That has been made a matter of observation to the subcommittee, and I would like for it to go into the record at this time.

Mr. Smith?

Mr. SMITH. You spoke of the discrimination against the Negro female as being a sort of a double jeopardy. I mean she is discriminated against both because she is a Negro and because she is a female. I take it from this that you think there is discrimination against females, both white and nonwhite.

Dr. LONG. I do.

Mr. SMITH. What about religion and age? Did you find discrimination on this basis, too?

Dr. LONG. We did not cover religion nor age in this study. On the basis of our experience, though, in other studies, we feel there is a definite pattern of discrimination on both counts.

Mr. SMITH. The discrimination based on sex, according to what you said, I take it, is discrimination in getting equal employment, rather than in getting equal pay for the work.

Dr. LONG. It occurs in both ways. But the primary job is getting in a position in industry.

Mr. SMITH. Legislation just covering equal pay for equal work, then, would not adequately cover the problem.

Dr. LONG. I do not think it would adequately touch the problem at all.

Mr. SMITH. You mentioned that these firms had reached their maximum size and were laying off workers, many of them. This is contrary to the general pattern, I take it, of expansion in the South. To what do you attribute this business?

Dr. LONG. I attribute it largely to two factors. One, it was a temporary condition insofar as the industry was concerned. In almost every case, industry had projected its plans some thousand or more workers ahead. But at the present time, they were not using the number of workers that they had in mind maximally as constituting the type of operation which they would be doing ideally. The temporary factor.

The second is that industry likes to have a large supply of workers available, tied up in some degree, even if they may not be presently using them.

Mr. SMITH. Were these firms, or any of them, textile firms?

Dr. LONG. Yes, a few were textile firms.

Mr. SMITH. Did you find discrimination in favor of women in the textile firms?

Dr. LONG. I regret to say we did not analyze our data by sex in terms of type of manufacturing.

Mr. SMITH. We had understood that sometimes the discrimination is in reverse in some of those firms.

Dr. LONG. I think that this reflects primarily the types of jobs that are called for in the type of manufacturing that is involved, by and large.

Mr. SMITH. You are an educator, and so I will ask you this: To what extent do you think employment opportunities that by statistics alone might appear to be based on a racial basis might be related to a difference in educational opportunity afforded to public schools?

Dr. LONG. I do not doubt but that there is some difference, attributable to the fact that on the whole the educational level of the Negro worker is below that of the white worker.

I think there has been great distortion of the significance of this differential, because the amount of difference in the status of the Negro worker in industry as compared to the white worker in industry is considerably greater than the differentials in terms of level of education.

On the average, there are about two or three levels of grade difference.

Mr. SMITH. You mean the difference in educational opportunity is not as great as the difference in the limitation?

Dr. LONG. In terms of the use of whatever education the worker has. Right.

Mr. SMITH. But there is some relationship?

Dr. LONG. There is some relationship, yes.

Mr. SMITH. That is all I have.

Mr. DENT. Thank you, Dr. Long, very kindly, for coming here. And I would suggest that you get a copy of the bill; and maybe after you read it, you may have some observations you would like to make available to the committee, and we would appreciate it if you would.

We are going to try to finish up, and Mr. Bell, executive secretary of the southeastern regional office of the American Friends Service Committee, may come forward, and we will try to give him an opportunity to testify before we are called to the floor.

STATEMENT OF B. TARTT BELL, EXECUTIVE SECRETARY, SOUTHEASTERN REGIONAL OFFICE, AMERICAN FRIENDS SERVICE COMMITTEE, HIGH POINT, N.C.

Mr. BELL. Thank you, Mr. Chairman.

The American Friends Service Committee appreciates an opportunity to share with this committee the insights that we feel that we have received from almost 9 years of work in the field of employment on merit in the Southeast.

Very briefly, I shall try to speak to several of the more important findings that we feel have come out of this experience, and to two or three of the conclusions that we feel can be drawn from this.

I believe that the members of the committee have copies of the written testimony, so I shall not try to deal at length with it.

The Friends Service Committee, basically a peace organization, has been working in this country, as well as overseas, in an attempt to create what we feel are the necessary foundations for a peaceful world. In the process we have been involved in a good many types of community relations programs, both in the regions in this country as well as in some of the underdeveloped areas overseas.

But I speak this morning primarily out of a period of 15 years of experience in the Southeast, as a southerner, and shall try to speak to two or three of the problems that I think will need to concern this committee as you consider the need for legislation.

Mr. Chairman, a great deal has been made by southerners of the point that if we will only leave these problems alone in the Southeast they are going to take care of themselves, or that employers and others in the Southeast will themselves take care of these patterns of discrimination.

I think our experience bears particularly on this point, because ours has been an attempt, a very modest but a very persistent one, to try to achieve, through voluntary action, changes in these patterns of discrimination in employment. I think some of our findings therefore are particularly important for this committee.

We work at these problems, incidentally, not because of fear of what people overseas or in other places in the country might think of us, but because of our concern for the rightness of equal employment opportunity; because of our concern for what these patterns of discrimination are doing to people, both to the victims of discrimination in employment as well as to those who are perpetuating this discrimination.

Very briefly, our program, through these 9 years in the Southeast—and this is part of a series of programs that we have carried on in other parts of the country also—has had two principal thrusts.

One of these has been an attempt to direct confrontation of policymaking management to persuade them of the rightness, to persuade them to adopt policies of equal employment opportunity.

The second part of this program has been an attempt at working in cooperation with Negro leadership in the Southeast and leadership of other minority groups, to raise the levels of aspiration of employment of the minority group workers themselves.

We have worked on these two fronts in every possible way that we could think of.

Principally, we have worked through what we call the employer interviews; and over a period of these 9 years, we have had approximately 500 direct personal interviews with policymaking management, hearing their story, challenging this where we were able to, adding where we were able answers to the questions that they raise about how they can employ on merit.

In working with the Negro community principally in an attempt to raise the levels of aspiration among Negro youth, we have tried a great variety of techniques.

One of these has been what we call a pioneer panel—taking out to the colleges and to the high schools those few pioneers, Negroes, who have found nontraditional jobs, letting them relate their experience to young people to see in their own communities a person of their own minority group who has found a nontraditional job, in the hope that this would inspire them to plan for themselves a career in a nontraditional field.

We have also worked very intensively with the counselors of Negro young people, with parents, with teachers, with vocational counselors in the schools, bringing to them what we feel are the new employment opportunities in the region.

On the other level, in addition to these interviews that we have had with management, seeking voluntary changes, we have worked at the State level, at least in North Carolina, trying to sell to the conservation and development departments, those that have been seeking outside industry, the idea that it would be a particular advantage to the State if that State were able to say to industry that, "We have gotten beyond these problems of your not being able to employ freely the best person that you can find for any job which you are seeking to fill in your plant."

So we have tried a great variety of things.

The results of these 9 years of experience have been in many ways, of course, disappointing—seeking this voluntary role. We have made perhaps in the nature of 150 placements in nontraditional jobs, nontraditional positions.

We have not attempted to measure the success of this program, or the success of these programs, necessarily, by the number of placements, simply, which have been made. We have felt it extremely important to be raising these questions with policymaking management, to be making this an issue in every way that is possible in the climate that has prevailed during these years.

Some of the findings that we feel are important out of this experience:

The first of all, certainly, would go along with what you have heard this morning from the two preceding speakers, Mr. Hill and Mr. Long.

I speak, of course, exclusively, now, out of our own experience in the Southeast, of across-the-board discrimination.

This is not to say that there have not been, over these last 5 years, some bright spots, a few people trying new things, a few companies and even perhaps in one or two instances a few new industries that are beginning the slow first steps of breaking away from the old patterns of discrimination.

But by and large, our experience, again, is that there is without any question complete across-the-board discrimination, particularly on the basis of race, and also to some extent in the patterns of the hiring of people with considerations for their religious background.

In industry after industry and company after company, in town after town, across the Southeast, there is the pattern of vicious discrimination on the basis of race and religion.

A second finding that we feel is important is that there have been, in spite of this across-the-board pattern, a few brave pioneers who have made nontraditional placements. A few key industry leaders, a few brave employers in local communities, have tried experiments on

their own, have sought qualified people regardless of race or religion, and have employed them successfully in their plants, in their companies, in their businesses.

I would emphasize that these are few and far between. I also would emphasize the fact of the bravery to which I referred of some of these people, who we call pioneers, because they do definitely stand out in southern management. I say this because they have done so in many instances in the face of very real possibilities of recrimination, of unfair competition from major competitors in their industry or in their local communities.

Another finding, a very painful one, which grows out of this experience when we try to share here this morning, is that there are actually very few qualified Negroes who are now seeking nontraditional jobs.

This is part of the vicious circle to which you have heard reference and on which questions have already been raised this morning.

I quote the results of a survey which we made in Durham, N.C., which showed that out of a total of 371 employers in that city, only 85 of these, or 22 percent, I believe it is, have ever had qualified Negroes coming to them seeking nontraditional jobs.

I think we all know the reason why this is true, but it certainly substantiates the impression that we have, that there are all too many southern employers who are able to say honestly, "We have never had qualified Negro personnel seeking nontraditional jobs in our employment."

We know that the pattern of discrimination is so pervading that the result of this has been a very serious, thorough demoralization in many southern cities in the Negro community and other minority groups who are not willing in the face of this discrimination to take the steps of preparing for and seeking nontraditional jobs.

My next finding to which I would refer, that again I feel is very important, out of our experience, relates to these 500 talks, frank and confidential, with employers.

Many of them will admit to the rightness of employment on merit, that is, employing people who are employed because of their character, their ability, their training, without regard to their race or religion. There are many of these employers who would admit the desirability of patterns of equal job opportunities. But most of these employers, in our experience in the Southeast, feel that they are locked in these patterns of discrimination. They feel that they already have enough problems in their own community, in their own plants, without attempting to do a pioneering job in this field, without attempting to raise the additional problems and questions that they feel would be involved in breaking over from these widespread patterns of discrimination.

We feel that there are many of them who would welcome Federal legislation, that would set across the board fair standards of competition in employment, which would not require special efforts of people who, because of their convictions, are willing to take these first steps and add these additional risks.

And last, Mr. Chairman, we would say very briefly, again speaking distinctly from a southeastern scene, it is our experience that this can be done. I hold here in my hand a brief folder which gives the

experience of five or six employers in North Carolina in quite different situations speaking to the success with which they have been able to implement their convictions on employment on merit.

So our experience is that while there is undoubtedly opposition, there are a great many southern employers who are convinced that this is all part of a pattern of good personnel policies, and that this can be done without the kind of bloodletting that has been predicted on many occasions and that has made this a very definite political issue in the Southeast.

The conclusions which I think we would draw out of the experience that we have had over a period of these 9 years are, first of all, that the efforts of the voluntary agencies, while they play a very important role, are completely inadequate for the problems that we face.

The number of pioneers whom we have been able to find willing to employ on merit are obviously a very small handful of the total number of southeastern employers. We feel that obviously, as Mr. Long and Mr. Hill have indicated, the amount of progress that has been made over the last decade has been pitifully small and is likely to be pitifully small in view of the need.

And we conclude that while the pioneers in this field among the employers and among the minority groups do deserve a great deal of credit and thanks, this is wholly inadequate in the face of these widespread patterns of discrimination.

The second conclusion that I think we would draw out of this is that right now, at this particular time, with the industrialization of the Southeast, there is a real urgency for a massive attack on the problems.

If we sit by, continuing the slow progress that has been made, again it is going to be Negro workers, minority group workers, of all types, who are going to be disadvantaged in access to the new industrial jobs in the Southeast, and we will end up, after another 25 years or so, with continuation of widespread patterns of discrimination and with the same old problems on our hands.

So we feel that right now is the particularly appropriate and opportune time for the consideration of adequate legislation in this field.

We shall continue to work at this problem, Mr. Chairman, as a voluntary agency, doing what we can to share the experience that we have had both with employers and with the minority community, but we feel again, and we would like to emphasize, what we think is the need now for adequate Federal legislation in the field.

Thank you very much.

MR. DENT. On that tone, is it my interpretation of your remarks that you feel at least that Federal equal employment opportunity legislation will not put you out of business?

MR. BELL. Not at all, sir. We feel that there are going to be a great many employers in the Southeast under Federal legislation, or in any other ways that this may come, who will be so inexperienced with this that they will welcome what help they can get from voluntary agencies, who feel that there have been some lessons learned of how you do and how you don't attempt to integrate minority groups into their own work forces, and that there will be a continuing role and an effective and hopeful one in the consultation.

There certainly is going to be a tremendous role still to be played with this business of raising the level of aspiration in the minority community.

And, incidentally, this is one of the principal reasons why we feel that Federal legislation would be so helpful. Nothing is going to do quite as much to inspire and to challenge Negro workers to begin knocking on the front doors of southern industry as is creation of a legal framework in which they can expect to have some weapons to use in getting consideration of what they have to offer to prospective employers.

Mr. DENT. Have you had an opportunity during your 9 years of study to form any opinion as to the extent of employment discrimination because of age, religion, or sex?

Mr. BELL. No, Mr. Chairman. I do not think we can speak to this with any authority or any substantial body of experience. Ours has been principally concentrated on the question of racial discrimination, and to some extent religious discrimination.

Mr. DENT. This committee has had a great deal of testimony in that area of discrimination and expects to get a great deal more from succeeding witnesses, and therefore we are trying to form some kind of a pattern that we will have to work from, and that is why the question was asked of you.

In view of the fact that we may be called to the floor at any minute, I would like to now ask Mr. Goodell if he has any questions.

Mr. GOODELL. Yes.

Mr. Bell, I think your statement is very good and very helpful, and it indicates that there is a substantial proportion of employers in the southeast region who are personally at least prepared to admit that employment on merit is desirable. I think we frequently have assumed or it is assumed that implementation of a Federal equal employment opportunity law would be very difficult in the South.

Am I correct in my interpretation that your activities have indicated what might be called a substantial reservoir of employers who would be willing to go ahead immediately on merit employment if merit employment became a matter of Federal law in your region?

Mr. BELL. Mr. Goodell, I certainly do not think, on the basis of our experience, at least, that we can claim by any means that those employers who are ready to hire on a basis of merit are in the majority, to say the least.

I do feel, however, that there is a substantial number of employers, particularly some of the leaders in southern industry, who recognize the problem, who are prepared to proceed with the total utilization of manpower resources in the Southeast in this period of industrialization.

I think you would find, and our experience certainly is this, a great many small employers who, just out of a personal conviction of the rightness of this, have tried small experiments in their own companies over which they have control.

We find a surprising thing about this, perhaps not so surprising in view of the climate of opinion over the last 5 years, is that many of these are kept quiet, that employers in local communities do not want the general public to know the kind of experiment they are making in small efforts to upgrade or to hire a Negro person in a new job category. But nevertheless, a good many of these are going on.

With this qualification, these still are pioneers. I do think there are many of them, and I certainly would testify to the reservoir of good

will, both in the Caucasian and in the Negro community, that I think would respond positively to Federal legislation in this field.

Mr. GOODELL. Mr. Bell, you represent an organization that certainly, as you put it, has worked to lay the foundations for a peaceful world, and your testimony is very reasonable and moderate and enlightened, I would think.

We are going to be met, in any legislation of this nature, with the accusation that we will make things worse rather than better, that we will destroy the reservoir of good feeling that presently exists and is trying to solve these problems on a voluntary basis.

I take it you very strongly disagree with that statement.

Mr. BELL. I do very strongly disagree with that statement. I think there are a great many employers and a great many people in the minority community across the Southeast, who, as I said, feel locked in this pattern of discrimination.

Mr. GOODELL. They really need an excuse to get out?

Mr. BELL. They need an excuse to get out. I think this is high time for the Nation to set a standard to which these people can rally, which can be held above them as something to which they can respond.

I certainly would not say that it is going to be easy to implement Federal employment legislation in the Southeast. I think we must recognize that it will possibly be a good deal more difficult than in other areas of the country. Let's face it. But I do not think and certainly would not agree with those who say that it is going to make matters worse, or that it comes at a time when, if we only will wait a few more years, the problem is going to get a lot better and will be propitious for legislation.

Mr. GOODELL. I have one other question of you. Did you finish your statement?

Mr. BELL. Yes.

Mr. GOODELL. If you could take 15 minutes on it, I would appreciate your just giving a general and short answer to it.

There are lots of ways we could approach the problem of Federal legislation. We could have just a declaration of national policy that presumably would set a tone but would not go much further than that. We can set up a commission which will start negotiating, trying to solve these problems by moving in and not forcing the situation but talking with the parties involved. This has worked apparently very well in many a State. We can also set up an agency that will go in, subpoena records, have a power to make a decision itself, and to enforce that decision. Or we can set up as an alternative to giving the commission itself this power, a commission that will be an effective prosecutor, that will first try to negotiate and then go to court and prosecute.

Do you have any general comment on the alternatives involved, in view of your approach to the problem?

Mr. BELL. As in Mr. Long's case, I have not had the opportunity to see the legislation that is proposed, but I think my general feeling is that whatever is done now needs to have the necessary authority, the necessary techniques and tools for implementation of fair employment; that it is not enough to have in this period of history a declaration of intent; that it is not enough now to have simply a commission or a body that is empowered only to negotiate or to conciliate or to try to persuade.

I think our experience is an adequate basis for a feeling that while attempts to achieve voluntary compliance may be fine, it is not enough, and that therefore any kind of body which is set up, I would hope, while exercising its authority very responsibly and with a conciliatory attitude—it is fixed with the necessary tools to do the job.

Mr. GOODELL. You feel that it is a very necessary aspect of conciliation, in solving these problems voluntarily, to have a reasonable but a strong authority standing in the background?

Mr. BELL. Yes, that is my feeling.

Mr. DENT. Thank you, Mr. Goodell.

Mr. Pucinski?

Mr. PUCINSKI. Mr. Bell, in Chicago, we were told that the high percentage of dropouts from school by Negro students can be traced directly to the fact that they have very little opportunities upon graduation; therefore, they have no incentive to remain in school. I have seen subsequent studies that showed that a large percentage of these dropouts from high schools ultimately wind up on some form of public relief roll.

I was wondering: Do you find the same situation, No. 1, a high percentage of dropouts, and No. 2, the reason for the dropouts, in the Southeast area?

Mr. BELL. Yes. I cannot refer at the moment to any specific studies in this field; but again a strong impression I have, working with vocational counselors, teachers, parents, ministers, and others, concerned with this, certainly would substantiate the fact that a great many of the dropouts are really from what I call this demoralization of the Negro community, of kids, a great many of them, that are unable ever to point to a cousin, a brother, a neighbor down the street, who has planned, prepared for, a nontraditional job, and been able to find it in his local community. And for them, this is a great source of discouragement.

"Why should I train for and prepare for a job which I know, on the basis of my experience, I have reason to doubt exists, for me, as a member of a minority group, against whom there is this widespread pattern of discrimination?" And this deep and burning feeling of despair is the thing now that frankly we find is going to be one of the major problems across the Southeast.

We were talking just the other evening with the guidance officer of one of the largest Negro colleges in the country, who was discussing the extreme difficulty of motivating, of inspiring, of helping students of the college to feel that there is any real use of them to prepare for careers which they believe are nonexistent.

And I think without any question this is part of the whole problem of juvenile delinquency across the Southeast, and this problem of dropouts and all of the subsequent social damages that result from this.

Mr. DENT. Would it be your judgment, then, on the basis of that statement, the statement you have presented here, that in analyzing the anatomy of this 4½ or 5 million unemployed force in America, a large percentage of these people have to rely on public assistance because of discriminatory hiring practices, people who could go to work but cannot go to work simply because of discriminatory patterns by industry?

Mr. BELL. I cannot speak to this in other areas of the country, but I certainly can speak to this in the Southeast, that I think this is undoubtedly true, that there is a tremendous potential of unused and untapped manpower in the Southeast, which is frustrated and is unemployed primarily because of these patterns of racial discrimination.

Mr. PUCINSKI. There is a growing concern all over the country, and I am sure in your area, about the high cost of public welfare, both at the local, the State, and the Federal level. I wonder, then, if those who oppose this legislation are not doing their own communities a great disservice simply by failing to recognize that so long as these discriminatory practices continue the community has to then absorb the cost of providing for these unemployed workers who cannot find employment because of discrimination. Is this a fair conclusion?

Mr. BELL. Mr. Pucinski, yes, it is. But the problem, at least as we see it, is that while a great many people believe that something is wrong and the costs across the South among the Negroes are a great deal higher than in some of the white communities, I feel that the necessary correlation has not been made between that fact and the need for additional employment opportunities.

We need, therefore, I think, to have a dramatic statement of what we see as the facts in the case; that there is a direct relationship between these high costs to which you refer and the dearth of employment opportunities.

Mr. PUCINSKI. As Mr. Roosevelt said at the opening of today's hearing, Mr. Hillard, our county welfare director in Chicago, estimated that only in that sector of the country, standing alone, discrimination is costing us in excess of \$70 million a year.

Mr. BELL. Yes.

Mr. PUCINSKI. Now, if you were to project that figure all over the country, and perhaps if you were to project it particularly in the Southeast, where the greatest degree of opposition to this legislation emanates from, it would be interesting to see what is the cost of discrimination, if you want to so put it, aside from the moral values. These are deeply compelling, but aside from the moral values, if you want to put it on a dollar basis, what is the cost to this country, and particularly to the Southeast?

This is the other question I wanted to ask you. On the basis of your study, let me ask: I have heard a statement made, and I am not sure I am going to agree with it—I do not want to close my eyes to reality, but I have heard it stated that the second half of the 20th century belongs to the South, in terms of industrial development.

Do you feel that the Southern States can honestly meet the great challenge and opportunity that presents itself to them by denying this very large segment of their community opportunities to participate in the full stream of commerce? Can they then meet the manpower needs that they will certainly have to meet if they are to play an important part in economic growth? Or are they again here failing to see the forest for the trees in opposing this legislation?

Mr. BELL. There are some students of the economy of the Southeast now who would claim that this immediate period of industrialization is the first experience the South has had actually with the industrial revolution; that actually in the sweep of history the industrial revolu-

tion never really came to the Southeast, and that this prospect now for industrialization is our first opportunity to experience this.

It seems to me that the possibilities are very high that if we continue the path which we are going now, we will go through a period, over the next 25 years, of industrialization in the Southeast in which, very slowly and almost imperceptibly, as manpower begins to pinch for this industrialization, southern white workers, who are now in a great variety of unskilled and semiskilled jobs, are going to be squeezed into the new skills required by this industrialization, and they will be replaced in these older jobs by members of the Negro minority; and, as I said, you will end up, at the end of these 25 years, unless something is done now, still with a considerable lack of equal employment opportunities.

A great many new Negro workers will be employed in industry; but, again, it will be discriminatory employment; and the South is not going to take advantage of this opportunity, as you point out, unless it sets now these patterns of genuine freedom to hire the best qualified person that it can find for any given job, regardless of what he or she looks like.

Mr. PUCINSKI. In line with what you say, and in line with your answer to Mr. Goodell, he asked you whether many employers would remove the discriminatory barriers if there were some legislation where they would have no recourse and would be perfectly willing to do so. It would seem to me, then, that this legislation actually could be of great service to the Southern States if adopted by the Congress of the United States.

Mr. BELL. This is my feeling, sir. As an Alabamian and a lifelong southerner, I would feel that this might very well free a tremendous creativity and reserve of resources in the Southeast.

I know how patronizing this seems, in a sense, by proposing that you are going to do good for people who do not know what is good for them, but I think there are many southern leaders who would recognize this and would response to this.

Mr. PUCINSKI. Have you had any degree of support from the labor movement in the South in your efforts to break down this discrimination?

Mr. BELL. We have had a limited experience with the labor movement in our region; again almost exclusively on the basis of a few concerned individuals within the labor movement.

Certainly I do not think we can point to any organized groups or to any important segment of the labor movement in the Southeast that has been prepared to move forward effectively in seeking employment opportunities. It has been mainly a few key individuals on the side of the angels who have been willing to stick their necks out in what individual efforts they could make to influence the policies of their unions and to help as individually they are able to.

Mr. PUCINSKI. My final question: I do not know whether you wish to comment on it, because perhaps you are not prepared to comment on it, but would you see any particular objection or would you see any weakening of the overall problem that we are trying to solve here by including in this legislation a bar against discrimination on the basis of age?

Mr. BELL. Mr. Pucinski, I am sorry, sir. I do not feel competent to speak to that question. I have not seen the legislation that is proposed, and I have not studied the problem from that angle; so that any opinion I might give I think would be very premature and inadvisable.

Mr. PUCINSKI. Thank you very much, sir.

Your statement here I am sure is going to be very helpful to the committee.

Mr. BELL. I hope so.

Mr. DENT. Thank you very kindly, Mr. Bell.

I notice that you emphasized rather heavily the question of employment on merit, the built-in discriminations because of both educational backgrounds and the regional employment habits. But I note here in a telegram that I received this morning, a situation that might be the first instance of mass upgrading of a group who have heretofore, according to all testimony, been discriminated against as a mass group. This telegram refers to a strike now in progress in the city of Philadelphia. It starts out:

On the basis that all Negro workers being employed by the company—
which I will leave unnamed—

in an effort to break a strike, in a plant which is one of the most mechanized and traditionally employs only those who are in jobs other than the maintenance jobs.

We might call them not only semiskilled but skilled jobs.

It seems to me that if this company can employ 1,500 colored employees to take machinists jobs or jobs relating to machine work, then the clear-cut issue of discrimination is certainly before us in its worst form, and it will be interesting to note how these fellows who heretofore have been declared not able to do these jobs can now walk in out of a cold background and take on the jobs in a highly efficient and highly mechanized employment facility.

I imagine your Friends Committee, coming from Philadelphia as your group does, might be interested in the results.

Mr. BELL. This reminds me a bit of the story that we have so often heard on the question of the usability of Negro labor in side-by-side plants in the Southeast. In the textile industry you will hear the story that they cannot employ Negro workers because they are not adequately dextrous with their hands. In the tobacco plant across the street you will find they are very anxious to have Negro workers because they are so dextrous with their hands. So that you get these contradictions.

Mr. DENT. It is an old saying that goes back further than you and I that it "depends on whose ox is being gored."

Mr. PUCINSKI. Perhaps that telegram answers at least in part the question I asked of Mr. Hill and Dr. Long and yourself, as to whether or not there is any merit in the statements made, apparently in good faith, that they cannot find qualified people to meet the non-discriminatory standards set by State legislation.

I am rather interested myself that they can take 1,500 people in a highly skilled factory and overnight make them qualified.

This to some degree, it would appear, refutes the statement that they cannot find qualified people.

Mr. DENT. I have seen them make pretty good glassworkers and steelworkers over the years in my community.

Unless there are other matters to come before us, I would suggest Mr. Bell also get a copy of this legislation so that we can have the benefit of his observations on it.

Thank you very kindly for coming.

Your full statement will be inserted in the record.

(The prepared statement of Mr. Bell follows:)

SUMMARY OF TESTIMONY BY B. TARTT BELL, EXECUTIVE SECRETARY, SOUTHEASTERN REGIONAL OFFICE, AMERICAN FRIENDS SERVICE COMMITTEE, HIGH POINT, N.C.

Mr. Chairman, my name is B. Tartt Bell. I am the executive secretary of the southeastern regional office of the American Friends Service Committee. Our office is in High Point, N.C. From this regional office a 15-person staff conducts programs in a 7-State area.

The American Friends Service Committee appreciates the invitation of your special Subcommittee on Labor to share with you the insights from our years of efforts to eliminate racial and religious discrimination in employment. The American Friends Service Committee is a Quaker organization. Founded in 1917, it has worked continuously during these 45 years to lay the foundations for a peaceful world. In many countries overseas we have operated programs of relief and rehabilitation in war-devastated areas and pilot projects of technical assistance in underdeveloped regions. For over 10 years we have sponsored unique programs in international affairs, both in the United States and abroad.

Our experience overseas and our involvement in world affairs have sharpened our awareness of the importance of eliminating racial, religious, and political discrimination here at home and elsewhere in the world. However, we have worked at this job not because of what others may think of the United States, but out of a religious concern for the spiritual health of all people. We do not believe it possible for spiritual well-being to exist where racial, religious, and political discrimination is practiced.

NATURE OF PROGRAMS IN FIELD OF EMPLOYMENT

Since 1953 we have had, among others, a program in our regional office called the employment on merit program. It has been a modest but a persistent effort to create conditions of equal employment opportunities for all citizens and to help management exercise the freedom to hire the best qualified persons for job openings without regard to race or religion. During most of this period our staff has consisted of a team of three persons. We have concentrated in North Carolina but have worked in other States. In October of 1961 we opened an employment on merit program with a two-person staff in Atlanta, Ga. The committee, through another regional office, now operates similar programs in Baton Rouge, La., and in Houston, Tex.

Basically, the American Friends Service Committee's approach in our region has consisted of two principal thrusts: (1) conferences with management at the policymaking level, (2) consultation with leaders of the minority groups. Ours has been an effort to persuade policymakers to adopt the principle of non-discrimination. The only pressure we have used is moral suasion and the logic of hiring on merit. In cooperation with minority leaders, which of course in the Southeast means the Negro leadership, we have sought to raise in the Negro community the levels of aspiration in employment and to help initiate the necessary changes required for preparation to participate in the industrialization of the South.

DEPTH OF EXPERIENCE

Our experience since 1953 has not been limited to any particular industries but has covered a wide variety of companies in manufacturing and commerce. It includes contacts with firms in textiles, electrical appliances, department stores, aircraft, communications, furniture, insurance, clothing, tobacco, steel, and others. Our representatives have visited many executives of large indus-

trial operations and many owners of small shops. Over 500 personal conferences have been held with employers in the Southeast. What have we found in this unique experience?

DISCRIMINATION IS THE PATTERN

First, we can attest to the existence of widespread, almost universal racial discrimination in employment. The absence of equal job opportunities is the pattern across the region. No industry is free of flagrant employment discrimination. Very few companies in the region have a record on this problem of which to boast. It is a well-established fact that the severely restricted opportunity to utilize skills and education in the South is the primary factor in the heavy out-migration of qualified Negroes during the past quarter century.

During the summer of 1958 the American Friends Service Committee conducted a survey in Greensboro, N. C., to determine trends in racial discrimination in employment. The survey was made over a period of 6 weeks by a group of mature college students under the direction of experienced university and business leaders. Interviews were completed with 402 Greensboro employers. There were seven types of businesses included in the sample. Of the 402 firms, only 53, or 13.2 percent state that they now employ or intend in the future to employ without racial discrimination. This sampling of Greensboro firms indicates clearly that equal opportunity to use one's skills, training, ability, and education in traditional American fashion is not, in fact, present even for the graduates of the city's Negro high schools and of the North Carolina Agricultural & Teaching College located in the city. It is our observation that Greensboro is, however, actually far above most southern cities in nontraditional employment openings.

Second, in addition to our firsthand encounter with widespread racial discrimination in employment we have been disturbed, though not surprised, to find the extent to which the lives of countless Negro citizens are being damaged and embittered by the lack of opportunities to utilize their abilities fully in a free society. To be restricted to menial tasks by virtue of "custom" is a particularly bitter dose for many ambitious young Negro graduates who are capable of making a much more important place in society for themselves.

One aspect of the high price of discrimination to which our attention has been especially drawn is the difficulty of motivating Negro youth to aspire to nontraditional careers. For decades the walls of discrimination in employment have been so high that superhuman reserves of faith were required of Negro youth who aspired to nontraditional positions in southern industry. We, therefore, are still caught in the vicious cycle of trying to persuade these young people to prepare for careers which they believe do not exist. Indeed, the pattern of discrimination has been so pervading that even unusually well qualified persons often feel it is useless to seek employment in nontraditional jobs. The inability of older relatives, friends, and acquaintances to find adequate employment in their home communities has been a great discouragement to Negro youth. It has increased the difficulty of parents, teachers, and counselors in guiding them to prepare for a worthwhile vocation. During the past 5 years our staff has staged a series of conferences for vocational counselors, parents, ministers, teachers, and others concerned with the plight of Negro young people who face the additional problem of racial discrimination in making decisions for their life's work. Without exception these experienced counselors say that what is most desperately needed is more examples of Negroes in local communities who are employed in nontraditional jobs. Our problem is to achieve this quickly enough to halt the tragic waste of talent among our Negro youth. Their ambition has been seriously thwarted by the patterns of discrimination.

Third, in our work in the minority community one of our major findings is the fact that few qualified Negroes are seeking nontraditional employment in the South. At a meeting only last week the guidance officer of a large Negro college lamented the fact that "the best qualified graduates are the first to leave the South." What has already been said suggests why this is true. Unfortunately, the fact remains that as a result a very large number of businessmen in the South have never had an application from a Negro for employment above a janitorial job. The pattern is being perpetuated by the State employment services which continue to fill job orders with racial and religious specifications.

In June and July of 1959 the American Friends Service Committee's employment-on-merit program conducted a survey in Durham, N.C., similar to the one in Greensboro, to determine the trend of employment opportunities for Negro youth. This survey found that of 371 employers interviewed, only 85, or 22 percent of them had ever received an application from a Negro for a nontraditional job.

Fourth, one of the most important discoveries to emerge from these 8 years and 500 conferences is that very few firms have adopted policies of nondiscriminatory hiring. These are so few that they stand out as pioneers among management in the region. Some of these have done an excellent job and we deeply appreciate the moral courage they have demonstrated and the fine example they have set. In all cases their success has been the result of a firm policy decision from top management. For this there is no substitute. In many instances the adoption of a policy of employment on merit has exposed employers to the risks of unfair competition and economic reprisals of serious consequences. Nevertheless, it has been done. I hold here a leaflet entitled, "This Is What They Say," produced by the AFSC. It is a statement from five pioneer employers in North Carolina who have experienced successful desegregation. These, and other similar, definitely southern experiences, provide important precedents and a body of information on which to draw as you consider legislation in this field. We are convinced they demonstrate that employment on merit can be accomplished in the South when tackled with conviction, determination, and intelligence.

Fifth, a great deal has been written about southern attitudes and southern practices in race relations. We do not find, however, any noticeable difference between the employment policies of southern companies and of non-southern companies with installations in the South. With a few notable exceptions, the eastern and midwestern controlled plants are following local customs to the letter in their hiring practices.

Not long ago I had the opportunity to visit the plant manager of a national corporation at his eastern North Carolina location. With a work force of 200 persons in a semiskilled operation, he had only 2 Negroes on the payroll, 1 the day janitor and 1 the night janitor. This was in spite of the fact that the plant was in a district heavily populated with Negroes and that the plant manager had personally been responsible in two of the corporation's installations in other parts of the country for integrating minority groups into the production line and company office. Many national corporations with new plants in the South have a wealth of experience in recruiting, training, and integrating minority group members. They, however, appear unlikely to bring this experience to bear on the problem of utilizing the full manpower potential in southern communities if they have to be the first to hire Negroes in nontraditional jobs or to go this route alone in their industry.

Sixth, another finding which comes out of our many frank and confidential discussions with policymaking management, is that many leading businessmen in the region are personally prepared to admit that employment on merit is desirable. They would like to see progress made in eliminating the discrimination which they recognize as undemocratic and detrimental to the further development of the region. I cannot say that we have found this category in a majority. However, they represent a very important segment of the leadership and are in every field of endeavor. At present many policymakers of good will feel themselves "locked in" the patterns of discriminatory employment. They feel there are problems enough in the competitive world of business and that they are not in position to initiate reforms. However, a theme which runs through our interviews is "I'd be glad to go along if we all would employ on merit."

We have encountered few employers whose unfair employment policies are attributed to their own personal prejudices against minority group members. Usually, the policy is said to be unnecessary to accommodate the prejudices of customers or employees. We find that these fears are often without foundation in fact. In a major North Carolina city, we asked approximately 50 women employees in the offices of a variety of companies the question, "Would you personally be willing to accept a Negro as a fellow worker in your department?" With 2 exceptions out of 50, the answer was "Yes." In a number of cases these young women were employed by companies where we had been told employment on merit wouldn't work because the employees "aren't ready for it."

Finally, I should like to report that we have, in spite of strenuous efforts, been quite unsuccessful in negotiating the simultaneous adoption of employment on

merit by a group of firms in an industry. For example, we have tried to persuade several department stores to act in concert in declaring a policy of fair employment. Our hope was that they might thus protect themselves against unfair competition from a major competitor who continued to curry to local prejudices. Apparently, however, independent policymaking is too treasured a tradition to make room for much hope that joint voluntary action is the answer on the local level.

CONCLUSIONS

What conclusions can be drawn from our experience in the Southeast? I think there are several important ones.

First, we are convinced that, though quite valuable, the efforts of voluntary agencies and a few scattered employers are quite inadequate to solve the problem of achieving equal employment opportunities. There are important contributions to be made by the private human relations agencies, and we shall continue to work in this field. But what is required now is appropriate legislation to outlaw racial and religious discrimination in employment. I believe it could be so designed and implemented as to set the conditions for fair competition. It has been said that you can't legislate morals. Perhaps not, but legislation can and does effectively influence the behavior patterns of American citizens. We believe it can successfully do so in the field of employment, in the South and elsewhere. State legislation has done an effective job in other regions of the country.

We conclude from our employer interviews that many employers in the region would welcome legislation which prohibits unfair employment practices based on race and religion. They need a bold public statement of policy, a standard of behavior which the Nation expects and to which they can rally.

I would grant that it will not be easy in the near future to implement fair employment legislation in the South. However, the reservoir of intelligence and of good will, in both the Caucasian and Negro communities, is still deep and should be counted on by the Nation.

A Federal law prohibiting racial discrimination in employment would be a powerful incentive to countless Negroes to begin knocking on the front doors of southern industry and commerce. They could do so in the expectation of receiving due consideration of what they have to offer in preparation and ability to prospective employers.

Mr. Chairman, there is one final point I would like to make. This period of rapid industrial growth in the South is a particularly important time to consider how to break out of the old customary patterns of discrimination and to think of creating equal employment opportunities. I believe there is an urgency in securing adequate legislation now if we are to insure a fair share of job opportunities for Negro citizens in the new South. I believe it would have enormously beneficial results for the South and especially for the improvement of relations between the races. Nothing does as much to reduce tensions as the removal of the basic injustice out of which they arise.

We are for reducing the sources of tension and we believe fair employment legislation is an essential step in the right direction.

Mr. DENT. Before adjourning, I want to announce that tomorrow morning the hearings will start at 9:30, and we have been able to get this room. So for the balance of the week, the hearings will be held in this particular room.

Mr. PUCINSKI. Mr. Chairman, before you adjourn, the chairman of our subcommittee, Mr. Roosevelt, requested earlier that this pamphlet be included in the record, and I so move.

Mr. DENT. Without objection, it is so ordered.

(The pamphlet referred to follows:)

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**U THE NEGRO AND
EMPLOYMENT OPPORTUNITIES
IN THE SOUTH**

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**The first of a series of Employment
Studies in Southern Cities**

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**A Report based on a survey by Art
Gallagher, Jr., Associate Professor of
Anthropology and Sociology,
Department of Sociology and
Anthropology, University
of Houston**

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FOREWORD

The reality of unemployment for Negroes in the United States was apparent during the recent recession when twice as many Negroes as whites were without jobs. An equally important fact of our national life is the under-employment of Negroes. These twin problems have moral, social, and economic consequences. In the words of a recent Report of the U. S. Commission on Civil Rights:

Denial of employment because of the color of a person's skin, his faith, or his ancestry is a wrong of manifold dimensions. On the personal plane, it is an affront to human dignity. On the legal plane, in many cases, it is a violation of the Constitution, of legislation, or of national policy. On the economic and social plane, discrimination may result in a waste of human resources and an unnecessary burden to the community.

Employment discrimination against Negroes is serious throughout the nation. In the South it can be particularly harsh. This publication is a report on how this discrimination affects Negroes, and the city of which they are a part. Houston, the largest city in the South, with a fifth of its population Negro, is the first of several cities to be included in this series on *The Negro and Employment Opportunities in the South*. The tone of the report is well reflected in its opening statement. The waste of Negro manpower is described as "enormous" in Houston, deriving from the educational, economic, occupational, and social deprivations of Negroes. The report raises the question: How long can this city and others like it continue to pay the price for unequal opportunities?

Interviews upon which the material in this report is based were carried out during the summer of 1961. Co-sponsor of the study is the Houston Council on Human Relations; it joins with us in acknowledging the contribution not only of Dr. Art Gallaher, Jr., and the crew of devoted interviewers in Houston who assisted him, but also that of Dr. C. H. Parrish of the University of Louisville, whose counsel and guidance were invaluable throughout the course of the study.

James A. Moss

Director of Research

SOUTHERN REGIONAL COUNCIL

Consider the case of Lewis X, age 33. A native of Detroit, Michigan, with an engineering degree from a Michigan university, he is married to a Houston girl whom he met while in the Air Force during World War II. Just after his graduation from college his wife's father became ill, and it was necessary for the young couple to return to Houston. Lewis' attempts to find employment as an engineer in local firms failed. There were vacancies for engineers; he tried private employment agencies which listed openings and company personnel offices whenever these were known. Personnel offices seemed, in his words, to regard him as "a freak," and employment agencies offered little encouragement. He finally took a job as a garage clean-up man; he held similar positions for three years. The problem was finally resolved with the death of his wife's father, ending his obligations in Houston.

Another example is more typical. A college student lacking 18 hours of graduating with a degree in chemistry dropped out of school in order to earn tuition money. Hearing that a major oil company did not discriminate in its hiring practices, he applied for a temporary job as a laboratory assistant. In his first contact he was advised that there was such a vacancy. The personnel manager was not in, however, and he returned the following day for an interview. He was then informed that the job had been filled, and he was advised to "go into teaching."

Later, the student learned of a job, listed with an employment agency, for a young man with a background in chemistry. Telephoning the agency, he was told to "come right over." When he arrived half an hour later, he was ushered into a segregated waiting room, and then informed that the position had been filled. He called another agency which had four listings for laboratory assistants, made an appointment, and arrived at that agency "within ten minutes." The receptionist related an unusual occurrence: They had just filled all four jobs. As the student started to leave, however, she told him confidentially that the agency did not place Negroes. He called on several other agencies, receiving the same treatment. Some interviewers gave him the advice received earlier: "Go into teaching." This, everyone seemed to agree, was the best job opportunity in the city of Houston for a Negro with an education in chemistry.

The case of Miss Pauline Y illustrates several facets of racial discrimination. Pauline, now 29, was born and reared in Houston, and educated in its public schools. She was graduated from West Virginia State College in 1955 with a degree in business administration. For two years after her graduation she operated her own credit and collection agency. Deciding that she would rather do something more creative, in 1958 she entered the New York School of Interior Design, graduating two years later with a "B" average. She returned to Houston, qualified to do commercial and residential interiors, decoration "renderings" from floor plans, and various kinds of display layout work. She prefers a job as window designer in a large department store, but as a second choice would like to design office and commercial interiors. As far as she knows, she is the only Negro in the state of Texas who is a professionally trained interior decorator. She is a member of the National Society of Interior Designers and on the mailing list of the society's Texas division.

In the summer of 1960 she began to look for a position in Houston. She wrote letters to principal firms, asking for an interview and providing a profile of her education, interests, and personal background, and a list of professional references. Contacts were made with large department and furniture stores and interior design firms. She received only one reply and that from one of the city's leading furniture stores. The store had no immediate opening, she was told, but her letter would be put on file.

She then decided on a more direct approach and called on several firms to arrange interviews with their personnel directors. She obtained an interview with only one firm, the furniture store previously mentioned, but she was told that "we'll call you if we need you"; she did not hear from them. She again sought an interview with one of Houston's largest department stores. The receptionist, after trying to discourage her, finally arranged an appointment with the personnel manager. When she arrived for the appointment, he was in a meeting; this happened three times. Other firms with advertisements in local papers for interior decorators handled her case in the same way. A representative of the American Friends Service Committee appealed to a number of department stores to consider her application, since they apparently had openings. It was pointed out that she could work as a window dresser, which would involve mainly after hours work, and would therefore have no contact with white customers, but the plea was to no avail. None of the firms approached

admitted that Negroes are not considered for the type of work for which Miss Y was applying. Discouraged in Houston, she is contemplating a move to the West Coast.

No thoughtful Southerner today denies that discrimination against Negroes exists in employment throughout the South and that this is morally wrong. But how widespread is the practice? how militant? Is there change on the way? if so, in which areas?

A survey in Houston, Texas—the South's largest city and one of its most cosmopolitan—discloses a story that, while not without certain brighter spots, is undoubtedly discouraging.

The picture that emerges from this brief survey is clearly delineated. Discriminatory conditions which materially affect occupational opportunity begin early for Houston Negroes. They are barred from the city's only full-time vocational high school, and vocational courses offered in their own schools are limited to skills which the school system defines as most appropriate for them as adults. Industry, for its part, feels little obligation either to employ Negroes at jobs for which they have training or to provide in-service training.

If by considerable personal sacrifice or, perhaps, fortuitous circumstances a Houston Negro is motivated to acquire vocational skills, achieve a college education and professional status, he is likely to be rejected because of "local custom." Consequently, to be employed on equal status with whites in any capacity becomes a "major break-through."

To say that this is morally wrong and not in accord with a democratic society is to state the obvious. Furthermore, it is fallacious to justify the status quo on grounds that change will be too disruptive, either for an individual firm or the Houston business community at large. Such arguments rest on the false premise that social change of this magnitude costs too great a price—that in the interest of harmony the status quo should be maintained. This premise and the arguments which derive from it ignore the price which the community now pays by keeping one fifth of its popu-

lation at an educational, occupational, economic, and social disadvantage. The waste in Houston is enormous.

Adequately educated Negroes *should* attain better paying jobs and thereby contribute greater talent, more taxes, and greater dignity and maturity to one of the South's leading industrial cities. The question remains: How long can this city and others like it continue to pay the price for unequal opportunities?

TRAINING THE MAN FOR THE EXISTING JOB, NOT THE DREAM

The survey reveals an extremely pragmatic attitude on the part of school officials in regard to vocational training in the Houston Independent School System. The only vocational high school in the city—San Jacinto High, an all-white institute—offers full, three-year courses in air conditioning and refrigeration mechanics, automotive mechanics, drafting, machine shop, photography, printing, radio, television, and welding. None of these courses is taught in the five Negro high schools.

Officials justify the practice on the grounds that "it would be wasteful . . . to educate a student for admission to a craft or trade that is not open to him." Further, they point with some pride to the fact that Negroes are offered two years of training in floriculture, commercial cooking and baking, cleaning and pressing, and trade dressmaking, courses which are not taught in white schools.

However, at least one school board member, Mrs. Charles White, is not convinced that the policy of orienting vocational courses toward job availability in the immediate area is either just or wise.

"It is our obligation," she recently told the school board, "to provide education for Houston children, and it is not our problem to say what they will do with it."

Distributive education, an apprentice program under which students attend school part time while gaining experience and training in actual job situations, has been eminently successful for white students. In the one Negro school where offered, however, it has proved ineffective. School

officials interviewed blame this on the Negro business community which they say is uncooperative. Negro leaders say there are not enough Negro-owned businesses to support the program alone. Certainly few attempts are made by school officials to place Negroes in apprentice positions with white firms, for this would be against "local custom."

Vocational guidance counseling in both white and Negro schools is considered inadequate by many guidance specialists in the community. The counselor-student ratio in the Houston public schools is normally one counselor per 800 students. Little interest has been shown in improving the figure in order to receive federal funds, for federal aid is viewed with suspicion by the school authorities.

TAKING THE FIRST STEP IS THE MOST DIFFICULT

A Negro youth discovers in Houston that white employers place little premium on his high school diploma. Without it, he may find a job as a porter, a grocer carry-out boy, or a drugstore delivery clerk; with it, he may go to work as a truck driver or stock clerk. In either event, there is little opportunity for advancement. In view of this, Negro students often feel little incentive to finish school. "Why go to school?" one asked a vocational counselor. "You have to go through the back door anyway!"

Even with a college degree many Negroes find they must accept jobs far below their training. One vocational counselor told an interviewer that he personally knows women with several years of college who are working as housemaids.

The Texas Employment Commission appears to be seriously concerned about the Negro employment situation in Houston. It has abolished segregated waiting rooms for those seeking employment, and its staff includes Negro interviewers and clerks, as well as janitors. In the main, however, Negro interviewers and clerks work with Negro applicants only.

Recently, the Commission has begun a new program, for which it is receiving federal aid, to upgrade Negro employment. The method here is to select outstanding applicants and attempt to place them in jobs from which they are presently barred. So far, the program has not overcome any important barriers. A spokesman for the agency says that Negroes seeking

first-time jobs have usually exhausted other methods before applying, and, therefore, take whatever is available. He believes that summer jobs are the most difficult for Negroes to find, even when they have college degrees; schoolteachers, for example, must often take work as domestics or cafe waitresses during the summer.

DETOURS AND DEAD ENDS TO JOB PLACEMENT, ON-THE-JOB TRAINING, AND ADVANCEMENT

JOB PLACEMENT. An official at a major oil and gas firm expresses an attitude fairly typical of a number of Houston industrialists. He reports that his company hires Negroes "only for the type of work which they normally do in this locality," that is, menial work. There are no Negroes employed, for instance, in any clerical, supervisory, middle management, or managerial position. Significant, too, is the official's statement that "we could not do any different if we wanted to." He feels that there are not enough white employees willing to work with Negroes, conceding—which he seems inclined to do—that qualified Negro employees can be found. One recurring theme in his observations, however, and in those of other white employers interviewed, is that intelligent Negroes do not wish to train themselves for professions which, due to local prejudices, they are not allowed to practice in predominantly white industries. He believes that a young Negro, for example, asks himself, "Do I know a Negro geologist?" and the answer being "No," elects to enter some other field, such as medicine, the ministry, or teaching.

The same official illustrates what he believes to be his company's fundamentally liberal views by reference to non-segregated fountains and rest rooms. However, when queried as to eating facilities, he admits that here the company follows "local custom." Yet he points out that in the company's pipeline stations, where the number of Negroes employed is relatively small, all employees share eating facilities, rest rooms, and water fountains.

Specific jobs actually open to Negroes in the companies surveyed are, with a few notable exceptions, menial. To cite only a few representative examples:

A large retail store hires Negroes only in such jobs as drivers, delivery boys, maids, and dishwashers. Recently, however, the store upgraded a Negro to saleswoman in the ladies ready-to-wear department.

A steel company which does government contract work employs both skilled and unskilled Negro workers, but has no Negro supervisors in either category. There are Negro office porters, but no Negro is employed in a white collar job.

An oil equipment firm employs Negroes only in service jobs, such as cleaners and porters.

A major insurance company employs no Negroes in any capacity.

Another retail store, a branch of a national chain, employs Negro "stock pullers" in its service division and Negro maids and janitors in its retail outlet.

Despite a company policy of non-discriminatory hiring practices an oil development firm reports that it employs no Negroes in any professional or clerical capacity.

Negroes and whites, in a large mail-order house, do not work together in any way. There are no Negro helpers on delivery or transport trucks, and the company will not consider hiring a Negro to repair household appliances, for fear that white housewives would not allow Negro repairmen into their homes. In short, the store assists in perpetuating local discriminatory patterns in all its employment practices.

The one contact made where considerable effort is expended to eliminate discrimination in practice as well as in theory is the Veteran's Administration hospital. Here several programs are offered, open to Negroes and whites alike. The hospital now employs or has employed in the past Negro dieticians, administrators, laboratory technicians, doctors, and nurses. The only limitation on the hiring of Negro employees, a hospital official reports, is the lack of qualified personnel. (Here it seems pertinent to recall the Houston School Board's policy of limiting vocational training to crafts and trades "open" to Negroes, and to inquire where discrimination actually begins. In many cases an employer obviously uses the lack of qualified personnel as an excuse to keep from upgrading or hiring Negroes, but from all indications the hospital official was sincere.)

A talk with a union official reveals a company policy in one petroleum firm which in principle is not discriminatory, but in practice turns out to be. Although the union contract specifies that any union man can bid for

any job for which he qualifies, regardless of race, the company policy prohibits the promotion of any employee who does not have a high school education. Since the company in fact rarely hires Negro high school graduates, this rule effectively eliminates most Negro employees from promotion consideration. To date, the union has succeeded in upgrading only one Negro. Segregation is in force on all levels at this firm, including rest rooms and eating facilities. And, with the exception of the one Negro who has been upgraded, no Negro works on an equal status with a white man.

Menial labor in Houston—and, indeed, throughout the South—is generally regarded as “Negro work.” Included in this category are household domestics, yardmen, sweepers, porters, and garbage collectors. Negroes predominate as folders in laundries—hot and strenuous work paying \$25.00 for a 50-hour week—and as shirt press operators, considered by laundry owners as highly skilled work.

The jobs from which Negroes are barred either explicitly or tacitly may be said generally to include any that would place them in direct competition with whites or that would lead to supervision over whites.

ON-THE-JOB TRAINING. Once a Negro finds a job, however menial, what are his chances in Houston of receiving additional training to qualify him for higher level jobs or better pay? To answer this question major employers in the Houston area were questioned.

Some officials were reluctant to reply. One expressed the fear that he might one day “pick up one of those New York newspapers and find the store’s name splashed all over it.” However, he indicated that his store does have a training program, primarily for buyers and other store executives, from which Negroes are excluded. As for labor union activity, he says, “We just don’t permit that kind of thing.”

Several other firms were equally non-communicative. The local representative of a nationwide mail-order house, for example, explained that his company has a rigid policy against giving out information on employee relations; he did state, however, that the company has no in-service training programs, in either its retail or service division, for whites or Negroes.

Under a union contract signed in 1956, job classifications at a Houston steel company are no longer racially segregated. The company offers

an in-service training program, and most Negro employees have taken advantage of the opportunity it presents. Moving upward in an all-white group is probably the greatest obstacle a Negro faces in achieving promotion.

One leading oil and gas firm has intra-company training programs, but only for accounting department employees and for supervisors on the middle management level. There are, however, no Negroes employed on the supervisory level and none working in the company's accounting department.

An industrial arts specialist with some practical experience in the field of human relations believes that if Negroes press for admission into intra-company training programs many firms will accept them. He cites his experience with the local branch of a large oil company. Until 1958, the company excluded Negro service station operators from its training program, but in that year, working with Negro operators and company officials, he succeeded in integrating the company's dealer training course. It has since remained integrated, with no apparent difficulties.

ADVANCEMENT. Aside from the intra-company training programs, what are a Negro's chances of advancing to a position of more responsibility and better pay in the Houston area?

A steel firm refers to its 1956 union contract, which guarantees union employees the right to bid for any job for which they can qualify, but the company concedes that there are no Negro supervisors. It does employ Negro "lead men," a semi-supervisory position. Negroes succeed whites in these jobs, and whites succeed Negroes. Seniority rights are protected by the union contract without regard to race.

Most local industrialists apparently believe, if they think of the matter at all, that the advancement of Negroes into previously all-white positions must be approached with great caution. They fear that moving too rapidly will arouse resentment among white employees and violence "on the nature of Little Rock" will result. This in turn, they think, could frighten away prospective industries from Houston.

An official in an oil industry service company states that Negroes do hold skilled shop jobs, but none has yet advanced to a supervisory post.

The feeling that this would stir sentiment among white workers appears to govern company policy in this regard.

In one large oil and gas firm, Negroes and whites are not in competition for jobs in any field. A Negro may become a supervisor of other Negroes, but in no case would he supervise whites.

A local outlet of a large national retail chain has no policy for upgrading Negro employees. Thus, there are no Negro supervisors or foremen. At one time there was an attempt to make a Negro a supervisor over other Negroes; white employees complained, and the attempt was abandoned.

One observer of the Houston labor scene believes that many—perhaps a majority of—Houston employers have adopted a “wait-and-see” attitude in regard to elevating Negroes to responsible positions on equal status with whites. It is his feeling that break-throughs are imminent in many industries and that once they are achieved “the rest will depend on the marketable skills which the Negroes possess.” He feels that too many Negroes use race as an excuse for lack of promotion on the job; with the changing conditions it is his opinion that Negroes who are well qualified now have “a good chance of selling themselves.”

An ex-employee of the Houston Post Office told an interviewer that the “rule of three” (by which a post is filled from the three persons making the highest scores on a given Civil Service examination) is often used to the disadvantage of Negroes. It is, in fact, remarkable how often in Houston, as throughout the country, the “rule of three” is alleged by Negroes to be manipulated for a discriminatory purpose. One case in particular was cited in Houston. There was a supervisory opening in a division in which two Negroes had top seniority. Ordinarily, seniority is the determining factor in filling openings, but in this instance it was decided that an examination should be given. As a result, a white man was promoted; scores of the examination were never released.

Data from a number of sources reveal that in seeking transfers to more desirable jobs, Negroes are frequently the victims of subtle discrimination. In the post office, there are many jobs which, when openings occur, presumably go to the best qualified senior employee who bids for the position. However, it is alleged that some administrators, anticipating openings in preferred jobs, informally transfer a white employee into the position in order to prepare him by experience and qualification for permanent appointment.

THE TWO FACES OF THE UNION

In the role of organized labor in Houston's Negro employment scene contradictory patterns seem intertwined. One local denies Negroes membership altogether; a second accepts them on terms of total equality; and a third grants only provisional status. It is also quite apparent that union leadership is much more liberal on race issues than is the rank and file. Organized labor is weaker in Houston and other southern cities than in midwestern and northeastern cities of comparable size. In general, unions with an earlier CIO affiliation seem more inclined toward a liberal policy than those identified with the old AFL. The county labor council is integrated, and Negro and white members sit together in Labor Hall.

Some of the unions interviewed which admit Negro members on an integrated basis are seamen, telephone workers, roofers, cement masons, city firemen, clerks, drivers, and steelworkers. Those that admit Negroes only in separate units are machinists, longshoremen, railway carmen, and railway clerks. Some of those which ban Negro membership under all circumstances are plumbers, house painters, millwrights, sheet-metal workers, lathers, carpenters, bricklayers, boilermakers, and printers.

One union official told an interviewer that practically all residential construction in the city is done by non-union contractors. This, he feels, benefits Negro labor, for Negroes are denied admission into most of the building trades unions. Yet he concedes that most house construction is performed by whites, and work crews are seldom integrated.

In the unions which are integrated few white members seem greatly resentful toward Negro members. A white officer of a seaman's union, in fact, expressed pride in his union's policy of non-discrimination. Pointing to Negroes and whites in the hiring hall, playing cards, eating, and talking amicably, he told the interviewer, "Color doesn't rub off. We hire and fire Negroes without regard to color."

In the segregated musicians' union some white members resent the union's refusal to admit competent Negro musicians. Pay scales in both units are approximately the same, and relations between the two are good. White musicians play in clubs over which the Negro union has jurisdiction, just as Negro musicians—who are more in demand for jazz, spirituals, swing, and rock and roll—play in clubs over which the white union has jurisdiction. The fact that Negro musicians are strictly limited to the field of popular music and thus are barred from the Houston Symphony Orchestra is a condition about which members of both groups complain.

EMERGING OPPORTUNITIES IN PUBLIC EMPLOYMENT

Is employment by local and federal governments equally available to Negroes and whites?

On the local level, Negroes feel that the situation is improving—not much, but improving nevertheless. Only a few years ago, there were no Negroes with white collar jobs in the Houston city government. While there is only a negligible number now holding such jobs, an effort is being made to increase that amount. In addition, other job opportunities are gradually developing. This fall, for example, for the first time, two Negro school policemen have been hired; heretofore, all policemen at school crossings were white.

Recently, the city for the first time in its history hired Negro process servers. Out of 34 posts, four were filled by Negroes. Also recently, a Negro woman was hired in the mayor's office as a secretary-clerk. The city's first Negro school board member was elected a few years ago.

In October, 1961 a Negro was appointed as an Assistant Attorney on the U. S. District Attorney's staff, an appointment representing the most notable break-through thus far for the Negro legal community in Houston.

THE DILEMMA OF WHERE TO TRAIN FOR NEW JOB OPPORTUNITIES

Investigation of opportunities in Houston for Negroes to learn new jobs reveals a pattern of inconsistency. Of ten business schools interviewed, five are open only to white students and two to Negroes only. One school, which specializes in business machine operations, indicates that "all qualified applicants would be considered," but no Negroes have sought admission. A school engaged in training medical secretaries reports a similar situation: One of its classes voted to accept a Negro, should one apply; however, the only prospective Negro student to consider the school ultimately decided not to enroll. The only business school in the city which admits students of all races has an approximate enrollment of two Negroes to one white.

One floral design school has a policy of non-discrimination, and stu-

dents of both races are freely accepted. The same is true of the one school of mortuary science queried. This school offers training in embalming, funeral direction, medical technology, and X-ray technology. Approximately one fourth of its enrollment is Negro.

In other vocational areas, opportunities for training are more restricted. Interviews with four modeling schools reveal that no Negroes are admitted as students. Of seven technical schools offering courses in electronics, air conditioning, refrigeration, and drafting, five admit white students only; one will "consider" students of all races; and another will set up a special class for Negroes, if a sufficient number of applications are received. One of two commercial art schools interviewed admits white students only, and in the other a home study course is the only work offered for Negroes.

Barber and beauty schools in Houston are segregated. Of the three barber schools visited, two admit only whites, and one admits Negroes only. Eleven beauty schools were investigated; of this number eight restrict admission to whites, and three accept Negroes only.

All five hospitals offering nurses training state unequivocally that they admit no Negroes; one does train nurses' aides on an integrated basis, however. Discrimination in hospital training is apparent in areas other than that of nursing. Interviewers talked with representatives from six hospitals which offer courses in medical technology, histology, clinical pathology, and X-ray technology. Four of these institutions bar Negroes; one offers training in advanced medical technology, for which all qualified applicants are considered; the sixth indicates that it admits all qualified students to an X-ray training course and, in addition, has one opening a year for a Negro student in medical technology.

Directors of three vocational nursing agencies state that they list Negroes as well as whites. The experience of one agency indicates, however, that Negro nurses are discouraged because for them employment opportunities in this field are limited, due to a greater demand for white registrants.

BREAKING THROUGH THE BARRIERS TO NEW JOB OPPORTUNITIES

Interviewers found some "unusual" jobs held by Negroes, unusual in the sense that they represent recent break-throughs. In the sales field there are several examples. A bakery, two automobile dealers, and a brewing company have hired Negro salesmen to work with their Negro customers. An office machine and business supply house has a Negro sales representative who works in the Negro community.

A large department store not only recently desegregated its lunch counter but has, quietly, upgraded a Negro woman from a menial job to salesclerk. She serves Negro and white customers alike; there have been no complaints from white employees or customers.

Another department store transferred a Negro girl from "marker" to salesclerk without incident, and yet another has hired a Negro secretary.

A leading daily paper employs a young Negro woman (a graduate of Texas Southern University) in its editorial department. Her duties consist mainly of reading, clipping, and filing editorials.

An official of a national food processing firm reports that his company now has more Negroes in key positions than at any other time in the firm's history; these include foremen, supervisors, and coffee processors. Moreover, the taster in the coffee-blending department, a prestige position, is a Negro with long seniority. There are, however, few Negroes in office or clerical work.

Two large Houston supermarket chains, one a national affiliate, employ Negro checkers in stores in predominantly Negro neighborhoods. That this is "unusual" employment is a sign of the distance yet to be traveled.

EDUCATION MAY GET YOU NOWHERE

Of all the situations encountered, none seems more wasteful or illogical than the fact that Negroes trained in industrial skills and even in professional categories often work in jobs far below their capabilities. Negroes

with college degrees drive trucks and work as deliverymen. The likelihood that their training will be put to practical use is slight; in most cases the Negroes are working for firms in fields not even related to their training.

There is a cliché in the segregationist's creed to the effect that a Negro must "earn" equality. It is an argument that many, even moderate Southerners, accept as a basic premise. When this "earning" process is complete, so the reasoning goes, the problem of racial discrimination will be solved. There is thus no need "to push the issue now." The limitations now placed on Negro professional men and women in Houston (who, one supposes, have now "earned" their right to equal opportunity) establish a less optimistic but far sounder premise: Few industries voluntarily remove discriminatory barriers in the local employment of Negroes, even of those well qualified.

One observer in a position to know about Negro employment in Houston concludes that a college degree gives a Negro some competitive advantage over Negro high school graduates on the level, say, of stock clerk, but that it gives him little, if any, advantage over a white boy with a high school diploma competing for the same job.

Some white employers are suspicious of Negroes who have been to college, and refuse to hire them. This has caused Negroes with college degrees in chemistry, mathematics, and the liberal arts to admit, when questioned by a prospective employer as to educational background, to having only a high school diploma.

A large supermarket recently hired as a checker a Negro girl with a degree from Texas Southern University. This example of a Negro's working in a job for which she is overtrained merits comment, for her employment in this capacity is generally regarded as a *break-through* in the Negro employment picture.

The under-utilization of Negro ability begins in the classroom and reaches out into all other areas of work experience.

Two representatives from the Dallas Civil Service Regional Office visited Texas Southern University last year to explain civil service opportunities to the students. One area of federal employment which they emphasized was the post office department. A student posed the question

of discrimination in the postal service. Could a Negro really be promoted to a level commensurate with his ability? The speaker admitted that no such guarantee could be made other than in formal regulations. There are, he said, procedural devices which can be used to discriminate. After the speaker made this admission, many of the students rose from their seats and quietly filed out of the room.

Of 3,412 employees in the Houston Post Office, 1,387 are Negroes. Of 765 Negro employees whose educational backgrounds were examined, 169 had high school education only; 81 had one year of college, 92 had two, and 83 had three; 138 were college graduates; four had master's degrees; and 41 had business administration diplomas.

A postal union official told a researcher that 98% of all Negro employees are at grade four or below. Less than ten are at level six; level seven—held by one Negro—is the highest grade attained by a Negro in the Houston post office. The official estimated that 85% of all Negro employees are carriers. Furthermore, Negroes have found it difficult to advance into positions as clerks; at first, those who succeeded worked only on night shifts where they would have no contact with white customers. This policy has since been changed.

There are 48 Negroes in the supervisory registry, with seniorities ranging from 31 to six years. Their previous employment includes such fields as journalism, welding, teaching, accounting, photo-engraving, radio and television repair, bookkeeping, and personnel management.

A survey of jobs currently held by 65 of last year's graduates at Texas Southern University, about half the class, discloses that three are practicing pharmacists, 12 are teachers, four are medical technicians, two are supermarket cashiers, two are working in the federal civil service, 16 are doing postgraduate work, and 18 are still unemployed. There is one each in the fields of barbering, journalism, photography, secretarial work, domestic service, and state civil service; one replied that she is a housewife. The 65 queried are now living in nine states and the District of Columbia. At least 23 are employed at levels considerably below their educational attainments. One out of three of those reporting is holding a job which would be classified as menial or little better.

There are many small firms and businesses in Houston which commonly exploit Negro training and ability. An employment counselor points

to the case of a Houston firm which ostensibly employs a Negro as a janitor—but insists that he be able to use a typewriter! Smaller dress shops, too, employ as maids Negro women who double as salesladies, “if,” as one employer candidly states it, “they aren’t too obtrusive.” Again, Negro handyman in service stations often are skilled mechanics and do a mechanic’s work. In none of these instances does extra pay or status accompany the extra duty.

In the Houston school system, janitorial jobs for Negroes are limited to Negro schools. Negro maids, on the other hand, work in white schools, where they work under the supervision of white janitors. Negro women work as helpers in lunchrooms in white schools but are employed as lunchroom managers only in Negro schools. The school system employs no Negro plumbers, electricians, carpenters, or painters.

DISCRIMINATION KNOWS NO BOUNDS

Negroes in professional vocations in Houston have firsthand exposure to racial discrimination. The Houston Bar Association, for example, does not admit Negroes, and there are no Negroes in the city legal department. A Negro lawyer in the community finds little recognition of his potential by white colleagues; consequently, members of his own race do not feel that he would be as successful in handling their cases as would a white lawyer.

In none of the city’s hospitals—including the City-County Charity Hospital—can a Negro physician intern or practice medicine. This is true even where Negro patients are admitted to special, segregated wards.

Nurses fare somewhat better. They work in a staff capacity in all but one of Houston’s hospitals—in each situation shifts and patient loads are integrated—and in three hospitals they can advance to head nurse. The hospitals hire Negroes as aides and vocational nurses; many employ or will consider Negroes as laboratory and X-ray technicians, medical technologists, and in other technical capacities. Except for one hospital, these allied medical fields represent one of the prominent areas of occupational break-through for Houston Negroes.

A Negro girl in Houston who wishes to become a nurse attends

Prairie View State College. Although the college program is affiliated with the City-County Hospital in Houston, courses, with a few exceptions, are segregated, as are all social functions.

No local training facilities are provided for Negro dental technicians, but Negroes do attend the state dental college. Negro dental students are admitted to internships and residencies in Houston, although Negro dentists are excluded from membership in local dental associations and, automatically, state and national affiliates.

There are four Negro Certified Public Accountants in Houston. Three who applied for membership in the Texas Society of Certified Public Accountants were rejected under a by-law requiring the recommendation of three society members; the Negro applicants are unable to acquire the mandatory three signatures. One of the group, however, is a member of the American Institute of Certified Public Accountants and the American Accountancy Association.

Of the 75 people on an administrative level in the Houston public school system, only three are Negroes. These are supervisors assigned exclusively to Negro schools.

A Negro college professor expresses the view of many Negro professional men: There is no professional group in Houston which is "really integrated." True, the membership rolls and business meetings of some are bi-racial, but professional and social interaction stops at this formal level. At dinner meetings of many such groups, for example, Negroes are requested to arrive after the meal has been served. Furthermore, communication between Negro and white educators, at the high school or college level, is slight.

THE LAST TO BE HIRED; THE FIRST TO BE FIRED

Discrimination against Negroes in regard to layoffs and job termination is a subject which Houston employers interviewed do not wish to discuss. However, interviews with Negro laborers indicate that they are the first to be laid off and the last to be rehired. However, what skilled Negro workers there are are not laid off, as a rule, because of business slumps, but tend to be laid off only upon termination of a specific job.

The attitudes of Houston industry are revealed in many instances. An oil development company states categorically that it practices a policy of equal job security for Negroes and whites in similar employment and that "tenure provisions are equally protective of Negroes and whites." This is no great problem for the company, however, as few Negroes and whites work at the same jobs.

Another firm, a major steel company, cites its union contract which guarantees job security without regard to race or color.

The representative of one large oil company avoided a specific answer to an interviewer's questions. Another such firm, however, readily admitted that since it employs no Negroes in competition with whites, the question of discrimination in job tenure and layoffs is not an issue. The official interviewed at this company is convinced that his firm's hiring and termination policies are "just" in regard to both races, and that industry must move cautiously in upgrading Negroes into previously established white jobs. (This man frequently felt it necessary to make known his agreement with his church's "liberal" stand on racial matters, but at the same time felt he had to defend the industry that he represents, even though the two positions were not always consistent.) He thinks that it will take several generations of greatly improved education for Negro youth before any long strides can be made; as the "home atmosphere" of Negro children is not conducive to intellectual attainment and advanced education, at least one generation of educated parents is needed to lay the proper groundwork. He recoils from the suggestion that his firm, which stresses its leadership responsibilities to the community, assume an active role in improving conditions for Negroes; he feels that it should conform to local custom, changing only after other segments of the community have undergone change.

The conclusions of this survey raise again the question: How long can a major city of the United States continue to undertrain a sizable segment of its young people, limit their opportunities for entry into the labor market, hamper and restrict their employment advance, underutilize their professional skills, deprive them of job security, without serious consequences to the city's own economic and social advance?

Mr. DENT. The Chair wants, in the absence of Mr. Roosevelt to thank all of the witnesses who have been here this morning.

(Whereupon, at 12:50 p.m., the subcommittee was adjourned, to reconvene at 9:30 a.m., Tuesday, January 16, 1961.)

EQUAL EMPLOYMENT OPPORTUNITY

TUESDAY, JANUARY 16, 1962

HOUSE OF REPRESENTATIVES,
SPECIAL COMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 9:35 a.m., pursuant to recess, in room 429, Old House Office Building, Hon. Adam C. Powell, Jr. (chairman of the full committee) presiding.

Present: Representatives Powell, Dent, Ayres, Hiestand, and Goodell.

Present also: Representative Frelinghuysen.

Staff members present: Don Lowe, subcommittee director; Adrienne Fields, subcommittee clerk; Livingston L. Wingate, associate general counsel for labor-management, Committee on Education and Labor; Tamara Wall, assistant general counsel for labor-management, Committee on Education and Labor; Marvin R. Fullmer, chief investigator, investigative task force, Committee on Education and Labor; and Leon Abramson, associate counsel, investigative task force, Committee on Education and Labor.

The CHAIRMAN. The committee will come to order.

Our first witness this morning is Mr. Clarence Laws.

Mr. Laws, will you come forth and identify yourself?

STATEMENT OF CLARENCE A. LAWS, SOUTHWEST REGIONAL SECRETARY, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. LAWS. Sir, I am Clarence Laws.

The CHAIRMAN. Thank you. Please be seated. Go ahead, sir.

Mr. LAWS. Congressman Powell, gentlemen, I am Clarence Laws. I am Southwest regional secretary for the National Association for the Advancement of Colored People.

On behalf of the National Association for the Advancement of Colored People, I am exceedingly happy and honored for this opportunity to submit testimony before this honorable committee, in support of proposed Federal legislation to prohibit discrimination in employment because of race, creed, color, national origin, age or sex. I say this because there are no local or State statutes in the Southwest region designed to free minority groups from longstanding economic disadvantages due to training and job limitations. And, to the best of my knowledge, no such statutes are contemplated.

I think I should say at the outset that (1) the region wherein I work is composed of the States of Arkansas, Louisiana, New Mexico,

Oklahoma and Texas; and (2) the economic problems due to race which I shall discuss are not peculiar to this region but are found throughout the South and, to a lesser degree, the entire Nation.

Twenty-one years ago, January 6, 1941, President Roosevelt enunciated his four essential human rights freedoms as the principal war aims of this country. Included in these freedoms was "freedom from want."

Although the United States is recognized and praised for having the highest standard of living in the world, freedom from want is still a long ways from attainment for many Americans in the Southwest. And one of the chief causes for this is racial bias in employment. This type of bias has built in hazards which frustrate if not destroy completely the American dream, for it takes away the most vital sources of strength for achieving that dream.

There are four main forces in the United States which mitigate against minority groups enjoying equal and fair opportunity at employment at their highest skills. These forces are (1) lack of equal vocational and apprenticeship training; (2) discrimination by employment agencies; (3) discrimination by labor unions; and (4) discrimination by management.

Vocation and apprenticeship training: The greatest resources of any nation or segment of a nation are the skill and know-how of its people. And yet in the Southwest, as in the rest of the South, minority groups are denied the opportunities to develop their skills and talents by local and State tax-supported vocational and technical schools as well as the basic industries of those States.

Throughout the Southwest, there are trade schools available to white youths. In these schools whites are taught trades and skills that are in increasing demand. Yet Negroes are systematically excluded from such schools. Trade schools for Negroes continue to offer those traditional "for Negroes" courses which relegate Negro trainees to perpetual economic mediocrity and frustration.

Tax-supported trade schools in my home State of Louisiana are typical of what Negroes are faced with throughout that region and the South. In Louisiana there are 27 State-supported trade and technical schools—23 for whites—4 for Negroes (app. D and E). Subjects taught at the schools for whites range from airplane mechanics to X-ray technicians and equipment repairmen. For more than 5 years, Negroes have been attempting to avail themselves of the training in such schools but to little avail. During this period these schools at one time or other have been far below their authorized enrollment capacity, yet qualified Negroes continue to be rejected.

The four State-supported trade schools in Louisiana for Negroes were established only recently. The number of Negroes registered in those schools is low and far out of proportion to the percentage of Negroes in the total population. The State superintendent of education for Louisiana shows in his 1960 annual report that for the 1959-60 school session there were, in addition to State-sponsored trade schools, 10 vocational schools under parish and special school programs. The number of trainees enrolled in these vocational programs totaled 3,632. Of this number, Negro trainees constituted 550 or only 15.5 percent of the total (app. C).

Recently I visited two trade schools in New Orleans, one for Negroes and the other for whites. The Orleans Area Vocational & Technical School, which is for Negroes, offers only seven courses (app. A). The other school—Delgado Trades & Technical Institute for whites—offers 47 courses (apps. B and C). Radar and communications equipment used at this school was valued at more than \$1 million. One jet engine was said by the director to be valued at more than a half million dollars. This one item was worth more than six times the listed value of all the equipment of the trade school serving Negroes of New Orleans (app. E).

Most public utilities companies and aircraft, petroleum, and chemical companies with Government contracts are notorious for denying Negroes on-the-job training necessary for upgrading purposes. And as a recent article in the *Negro Digest* states, even Negro veterans who made significant contributions to the overall cause of freedom and victory in World War II are presently being denied on-the-job training and employment, which are available to white veterans under the Servicemen's Readjustment Act.

Someone has said that job discrimination begins at the hiring gate. I submit that job discrimination begins in the trade schools and apprenticeship training programs. And unless the barriers are removed as they relate to job training, the removal of barriers elsewhere will have only limited effect.

Discrimination by employment agencies: The role of the U.S. Employment Service is to bring the worker and the job together. However, in the Southwest, this agency often stands between the Negro and better job opportunities. It frequently directs Negroes into only traditional and menial jobs. Many USES offices continue to segregate Negro and white employees and to maintain separate files and make referrals according to race. Only a few of the 202 agencies have Negroes on their staff. And the Negro who, to my knowledge, has the longest service with USES alleges that Negroes are not promoted in accordance with their qualifications and seniority. This man was hired by the Dallas employment office as an interviewer 14 years ago. He still holds the same position. He told me recently, "On at least two occasions I have had to instruct my supervisors how to supervise."

Since there are more than 200 public employment offices in the Southwest, subsidized entirely with Federal funds, it seems that the Government could insist that these offices be operated in a manner compatible with our Constitution and Bill of Rights. This could certainly be done through a Federal act to insure equal employment opportunity to all.

Organized labor: Organized labor as a whole should be commended for not only raising the standard of living in the United States but for initiating many social and political reforms. Unfortunately for some minority groups, however, certain labor unions have and continue to practice the same type discrimination and bigotry which they decry in others.

Except for New Orleans, La., where Negroes have dominated the building trades crafts since the ante bellum days, Negroes are systematically excluded from unions throughout the region. And while Negro labor unions accepted whites in the building trades in New

Orleans, the white unions were not so magnanimous and continue to exclude Negroes from the metal trades, such as plumbing, boiler-makers, pipefitters, electricians, sheetmetal, welders, and others. Even during the war years, white union craftsmen in New Orleans would import white workers from out of State rather than utilize local Negro craftsmen.

It would be fallacious to assume that racial discrimination by labor unions is confined to building and metal trades. Negroes and other minority groups have been and continue to be victims of discrimination in petroleum, chemical, aircraft, communications, and other labor unions in this area.

Management: One of the chief and continuing responsibilities of management is not only to provide its employees with tools and directions necessary for doing an effective job, but providing employees with the incentive to do well. For a large segment of minority group workers in the Southwest there is no such incentive because there is no opportunity for learning new skills, being upgraded, or receiving increased wages.

Company after company continue to hire Negroes only in the capacity of laborers. Even those who are qualified to do semiskilled and skilled work are not given opportunities for advancement (apps. F and J).

In spite of some minor breakthroughs in public utilities and industries with Government contracts, the ratio of white and nonwhite workers in the Southwest region frequently runs several hundreds to one.

The effects of discrimination in employment: The effects of discrimination in employment because of race, religion, or color, are numerous and well known. They include low morale and low aspiration levels, low productions, misunderstanding, and ill will between the employees concerned, substandard diets and housing, sickness, debts, and finally relief.

The Social Security Administration, in Bureau of Public Assistance Report No. 42, entitled "Characteristics and Financial Circumstances of Families Receiving Aid to Dependent Children, Late 1958," stated that the increase in ADC to nonwhites was closely related to the increase in unemployment among nonwhites. It was pointed out, for example, that in 1958, 13.7 percent of nonwhite males in the labor force were unemployed, as against 6.1 percent of white males in the labor force.

Recently Labor Secretary Arthur Goldberg said that "almost 1 out of every 8 Negroes was unemployed, compared to the white group's rate of almost 1 out of 16." (Negro Digest, September 1961.)

Some say that the rate of employment among Negro workers is higher than indicated by the Secretary of Labor. But that's bad enough. For if we had 12 percent of the white workers in the United States unemployed, we would be in a major depression. Because of job discrimination against nonwhites in America these groups find themselves in a state of perpetual depression.

Some years ago, Mr. Elmo Roper, noted public opinion, marketing trends and employment attitudes analyst, stated that discrimination in employment was costing the United States \$30 billion annually. Much of this loss is sustained in the Southwest region in wage differentials between white and nonwhite workers.

The people of New Mexico, both whites and nonwhites, feel that they have made some significant strides in race relations. And they have. However, the 1960 census report on social and economic characteristics of this State, shows that the median income for white males in 1959 was \$4,101, as compared to only \$2,009 for nonwhites. The total annual loss by nonwhites in wage income alone is almost \$100 million.

In my home State, Louisiana, the median income for white males in 1959 (U.S. census for Louisiana, table 67, pp. 193-140) was \$4,001, compared to only \$1,565 for nonwhites. This represented a staggering loss of \$2,436 for each male nonwhite worker. Further, this meant that the nonwhite worker's average income in the State of Louisiana in 1959 was only 41 percent of that of whites.

Because of wage differentials due to race, it seems safe to say that the 2,800,000 nonwhites in the Southwest are losing and, therefore, the region is losing more than \$5 billion a year.

Findings and recommendations: In spite of the fact that more than 185 years ago the preamble to the Constitution of the United States proclaimed "life, liberty and the pursuit of happiness" to be the inalienable right of all men, and in spite of the enactment of amendments V and XIV to that Constitution, to secure and protect that right, economic freedom for minority groups—especially nonwhite minorities—in America, is far from attainment. This lack of freedom stems principally from discrimination in vocational and technical training and employment.

Many ill effects result from discrimination in employment. Among these: low morale, low production, substandard diet and housing, crimes, disease, and shortened life.

While there are notable exceptions, management, labor unions, employment agencies and vocational and technical institutions all contribute to the problem of job discrimination against certain minority groups.

In spite of some better jobs and increases in money wages by nonwhites during the past decade, the gap between the median incomes of nonwhite and white workers increased an additional \$861 or 50 percent annually. Should this trend continue, the average nonwhite workers soon will be forced to seek subsidy from the Federal Government in order to provide, for his family and himself, the barest necessities of life.

Automation is striking its heaviest blow at the ranks of semiskilled and unskilled labor. It is here that the minority of nonwhite workers are to be found. It is they who will suffer most.

Not only do low incomes, artificially imposed upon certain persons in the Southwest, deny the Federal Government millions of dollars in taxes, but make it necessary for the Government to spend increased millions on its social and welfare programs.

But most significant of all is the fact that group discrimination in employment in this country reduces production and robs America of vital human resources which are sorely needed to meet the sinister challenge of atheistic communism. Ridding our country of discrimination in employment is not only necessary to our economy, our sense of justice and our position as recognized leader of the free world, but to survival itself.

Therefore, it is recommended:

1(a). That the Congress enact, during the current session, legislation to prohibit discrimination in employment because of race, religion, color, national origin, ancestry, age or sex.

1(b). That the Congress enact enabling provisions to create the necessary agencies for the full and expeditious implementation of basic legislation.

Thank you, gentlemen.

Mr. DENT (presiding). Thank you, Mr. Laws.

Inasmuch as the chairman has to attend another conference, I would ask if he has any questions at this time.

The CHAIRMAN. Thank you, Mr. Chairman.

I have to go to another committee after which time I will come back.

Mr. Laws, your testimony makes many serious charges, some of which involve the Federal Government.

Having known you so well through the years, I am sure that your charges can be substantiated.

I would suggest, Mr. Chairman, that we refer this testimony to the President's Committee, ask them what they have done, or what they are planning to do about it, No. 1.

No. 2, as the chairman of the committee, I am instructing now a task force to go to Dallas, Tex., forthwith to investigate the U.S. Employment Service in Dallas, Tex., and the Southwest.

Thank you, Mr. Chairman.

Mr. DENT. Thank you, Chairman Powell. Your suggestions will be, of course, adhered to by this committee. I think it is a very good idea that most, if not all, at least the very pertinent sections of this testimony be transferred to the Equal Employment Opportunity Committee named by the President.

Mr. Laws, on page 3 of your statement you refer to the employment discrimination in companies holding U.S. Government contracts. That same charge was made here yesterday by another witness. I asked at that time and I would like to ask you the same question: Can you tell this subcommittee about the activities of the President's Committee on Equal Employment Opportunity in your part of the country and if any of these companies that you know of that are under Government contract have signed and implemented plans for progress under the direction and with the cooperation of the equal opportunity group?

Mr. LAWS. Sir, the only company I know of having signed such an agreement is Western Electric. This was signed after July 12 of last year.

Incidentally, this particular company is a company against which complaints were filed last May by the NAACP.

In a telephone conversation with the manager of this company last week, he stated that he would this week take action to remove the discriminatory charges alleged against his company.

Mr. DENT. What have been the results of this cooperative effort? Has there been an improvement in the employment practices so far as discrimination is concerned?

Mr. LAWS. In Western Electric four Negro youths were hired about 2 months ago. Two in the warehouse and two in the shop. Heretofore Negroes had been hired only in the house service division, which was chiefly concerned with custodial work.

The management has agreed, has said that they would discontinue the house service department and would contract work out to some firm doing custodial work and upgrade 7 of the 11 Negroes now working for the company.

This has been the result of the President's Committee on Equal Opportunity.

Mr. DENT. How many people, do you know or can you tell this committee how many persons are employed in this particular plant?

Mr. LAWS. About 360 employed. Of this number there are 11 Negro men and 1 Negro woman.

Mr. DENT. In the regional hearings and also in our testimony taken here yesterday, we heard quite strong evidence about the effect of the denial of employment opportunities and the effect it has upon dropouts in our school system.

In your area of the country, do you find a disillusionment on the part of Negro youth and find that this disillusionment is one of the reasons there is such a high proportion of dropouts among the colored youths of this country?

Mr. LAWS. Yes, I did. I think I mentioned in my statement that one of the effects of discrimination in employment is low morale and low aspiration level. Negroes feeling that they will not have an opportunity to use the skills which are open to white youths just do not attempt to attain those skills in some instances. I mean even in schools teachers and guidance counselors point up the fact that because Negroes feel that they cannot, under employment discrimination patterns that we now have, they cannot move any higher than their parents did, I mean they do not strive to do a better job.

I have a good example. One of the concerns we have been working with is Southern Bell Telephone Co. For many years, Negroes were employed by Southern Bell only in custodial jobs.

I would like to point out that this is one of the public utilities which is most notorious for discriminating against Negroes.

There are some 4,100 employees in Southern Bell in Dallas and less than 100 of those employees are Negroes.

Last year two Negroes were upgraded in the Kansas City office and one of the laborers from the Southern Bell office brought a house organ, a paper, a company paper, to my office and we discussed it and, as a result, we decided to send a statement to Southern Bell commending them for the action which they had taken and expressing the hope that all telephone companies throughout the Nation and specifically the South would recognize employees on the basis of merit without respect to color. This letter was sent through channels.

As a result of that, this year two Negroes were upgraded. Since these Negroes have been upgraded, there has been an appreciable notice of initiative, of increased responsibility on the part of these Negro employees. As a matter of fact, one of these persons who was upgraded just last week said, "You know, I have been working for Southern Bell for about 15 years. Because I knew Negroes had no opportunity for being upgraded, I am sure I have not put in more than 3 good years work because I didn't have an opportunity. But now since I know that Negroes do have an opportunity to be promoted, to be upgraded on the basis of their qualifications and seniority, I and all of the rest of the persons I have talked with are going

to do a more effective job." I think these have been some of the results.

Just back to your question, the fact that Negroes feel that they are inescapably involved in a situation where they cannot move, this does do something to their morale, to their aspirations, and many of them do leave school, many of them feel there is no point in continuing school when you have to come out as a high school graduate and even as a college graduate and do maid work because the only field, the only profession in which Negroes can move now for the most part is the teaching profession and that profession is saturated as you know in the South. Many persons who have teaching certificates are working as maids.

Negro youths seeing this, just come to the conclusion that there is no point in spending all these years in school if I have to come out and still accept a job as maid, or porter.

Mr. DENT. In other words, do I interpret your remarks to mean that by breaking this psychological impact and block we would be doing the greatest service to upgrading the Negroes' position in our industrial community because they would try to achieve better positions if they once realized that they can achieve it?

Mr. LAWS. That is right, sir.

Mr. DENT. This, of course, would result in a better and more workable arrangement in every community without the interference of Government or any other agency because it would be a natural phenomenon that would take place.

Is that your opinion?

Mr. LAWS. When you say without interference on the part of Government, I assume, sir, you are contemplating that there will be a federally enacted statute?

Mr. DENT. The result of this legislation will mean that.

Mr. LAWS. That is right, I feel that.

Mr. DENT. I think all of us are very vitally concerned with the role of the federally financed State employment services. For myself, particularly, that has been one of the points in this legislation that I am at loggerheads with my other colleagues in that it does not cover State employment services, that is today, but there are charges that these State and federally financed employment services perpetuate the vicious cycle of employment discrimination.

Are there any States in your region which have intergroup relations specialists on their staff that you know of?

Mr. LAWS. Yes, sir. There is only one State, to my knowledge, that is the State of Louisiana, that has a minority groups representative. This is in the State of Louisiana, a Rev. Nathaniel Williams.

Dallas has an interviewer who has been working as an interviewer for 14 years.

Oklahoma City has Negro managers in three branch offices.

But these, to my knowledge, and there probably are others, but to my knowledge these are the only Negroes that are working in the State services.

Mr. DENT. Where you have these intergroup experts and specialists, do you find a tendency there to break down the barriers of discrimination or do they continue under some other—

Mr. LAWS. Well, they continue for the simple reason that it is an unhappy situation, for instance, in New Orleans where these persons who are working with the agency are not on the policy level, I mean they are just hired people and they do for the most part what they are told. Some of them make suggestions with reference to employment barriers, but for the most part they are not on the policymaking level. So, while their very presence might have some wholesome effect, it does not resolve the problem which we face.

Mr. DENT. Other members of the committee wish to ask questions, but I have two that come to mind which are important.

Do you, to your knowledge, know of the policy and practice in these federally operated State agencies of keeping two separate lists separating the whites from the nonwhites as to the job referral opportunities?

Mr. LAWS. I have not seen records of these agencies but one of the persons working as an interviewer told me just last week that where they are keeping separate lists they are indicating on the application whether the person seeking employment is white or Negro.

In the Dallas office, for instance, I am told that if a person is white they indicate "white" or put a certain code on it. If he is a Negro, the race is designated with an "N" or a code number. So that, before a referral is made, persons in all of these offices, to my knowledge, know whether or not the person being referred is Negro or white.

Mr. DENT. Do you know whether or not they go beyond the segregation as to nonwhite and white and reach into the segregation as to religious backgrounds?

Mr. LAWS. This, I have no knowledge of. Of course, we are talking about the U.S. Employment Service.

The private employment services, if the act does not propose to cover that, I think it should—

Mr. DENT. Cover what?

Mr. LAWS. The private employment agencies.

Mr. DENT. You may know that the act up to date only covers private employment. It does not cover the public agencies, which is the bone of contention among some of us, but go ahead.

Mr. LAWS. We had an interesting case yesterday where an interviewer from an employment agency in Dallas, the Nancy Lee Employment Agency, Inc., in Dallas, called the NAACP office and asked if we would assist in placing what they thought to be a colored person who was interested in general office work. When they were talking to the office secretary, the person who was applying for employment at Nancy Lee Employment Agency overheard the conversation, indicated to the person, "I am not colored." So the person quickly apologized, told our secretary; I mean, after the person apparently had stepped back, that "I thought she was colored, at least half and half."

"What we are going to have to do, she looks like a fine person, we are going to have to try to find something for her and we will call you another time.

What I am saying is that the private employment agencies are more notorious for not helping Negroes and certain groups than are the U.S. Employment Offices because they do accept Negroes even on a segregated basis, but many of the private agencies will not accept Negro applications for employment at all.

Mr. DENT. I was informed by a member of this committee yesterday that in his particular area the development is a little different than mine.

In my area, most of the employment is handled through the public agencies, but he tells me that there is a trend in his particular area of shifting away from public agencies and going into private agencies for employment-seeking persons. Now, most of the employees are working through private agencies. I wonder whether this testimony of yours has any reflection in that particular situation?

Mr. LAWS. It does not, but if I had any comment on it, I would say that this would not improve the situation but rather worsen it.

Mr. DENT. The other question I have, and that refers to the very discussion we are having right now, Do you think that any legislation passed by Congress can perform to its maximum effect if public agencies are not covered in the act?

Mr. LAWS. I do not, sir. It would seem to me that unless the act covered all agencies, then we might do what we have a tendency to do in the schools, I mean go from one school to the other, go from public schools to private schools or vice versa, so it would seem to me that to safeguard the employment rights of minority groups, the groups that we are concerned with here, certainly every employment agency should be included in the act for it to be most effective.

Mr. DENT. The reason I ask this question is because of the new proposals coming up in Congress to create a new field called a retraining program for displaced workers. Unless we recognize in this particular act the right of the Congress and the responsibility of Congress in ordinary employment discriminations we may be setting up a monstrosity that will be operating against the people who are now discriminated against in the area of retraining for jobs after they are out of work because of the loss of that particular group of industry.

I think, personally, that the legislation must have some safeguards in it to protect this retaining program.

Mr. LAWS. I would certainly concur in that, sir.

Mr. DENT. Thank you very kindly.

Mr. Ayres?

Mr. AYRES. Mr. Laws, on page 4 of your statement, you state and I quote:

Someone has said that job discrimination begins at the hiring gate. I submit that job discrimination begins in the trade schools and apprenticeship training programs. And unless the barriers are removed as they relate to job training, the removal of barriers elsewhere will have only limited effect.

Mr. LAWS. Yes, sir.

Mr. AYRES. Are you saying, in essence, Mr. Laws, that one of the reasons there are percentagewise more Negroes unemployed than whites is because they are not qualified to hold jobs that are available?

Mr. LAWS. It is because they do not have the opportunity to improve their skills—that is right—so that they can qualify.

Mr. AYRES. Are you saying when they go to the hiring gate and there are X number of jobs available and the white gets the job rather than the Negro, is it because of discrimination or is it because the Negro is not qualified for the job that is open?

Mr. LAWS. Well, it is because of both. Many industries have on-the-job training and the Negroes are excluded from those jobs, too.

Then the Government is engaged in a sort of partnership training, apprenticeship training program with States and counties where young people are being trained to go into certain industries.

Now, this training program is closed to Negroes as well as the industries themselves. I mean the industries are closed to Negroes except on the menial jobs. So, you have discrimination at both points.

The first point is that the Negro is not trained so that when he goes to an industry and asks for employment, I mean he cannot get it because he does not have the skill.

I mentioned in the paper that we visited the Delgado Trade School and when we were being taken through by the director, in a number of courses he indicated that the trainees, the students left the class sometimes a year, 6 months, and even 18 months before they completed the course because they had a skill that was marketable, and industry could use at that point.

But Negroes are not being exposed to this same type training so that industry is not calling upon Negroes. Negroes do not have the skill and have no opportunity for obtaining employment.

Mr. AYRES. I presume in your work you are familiar with some of the union-sponsored and union-operated apprenticeship programs?

Mr. LAWS. I am.

Mr. AYRES. Have you found that there is discrimination at that level?

Mr. LAWS. Definitely, sir. As was pointed out in this statement except in New Orleans where Negroes have more or less dominated the building trade skills for more than 100 years. I mean, Negroes are just not found in building trades unions.

Of course, in the metal trades unions, the Negroes are almost unheard of.

So I say that it is true that unions are discriminating against Negroes in all except the menial jobs, the common laborers.

Of course, you have the hodcarriers, warehousemen, meatpackers, and longshoremen and a few others.

But in the highest, semiskilled, technical, and skilled jobs, the unions are keeping Negroes out. This is true all over.

I have some letters here. I would like to read one reference here. This is by a white person who was interested in fair employment opportunities for Negroes. He makes this statement. This is made by a man in Dallas. He said:

"There are four Negroes with 10 or 12 years' service and are still in grade 1." Grade 1 is the lowest grade in this particular industry.

"There are no white people with that much service that are still in grade 1. In conclusion, I think that Negroes are treated very poorly and the Communications Workers of America at the national level and locally have done nothing to correct this situation even though all Negroes are union members."

Now, this shows another problem that many unions will not accept Negroes but in some industries where Negroes are working at a lower level than skilled or semiskilled, they are accepted in the union but they are not treated as other union members in that they are not given an opportunity for on-the-job training or for upgrading on the basis of their skill and their seniority. This is not true only of Negroes.

I have a case in mind now, a Latin American who told me just last

week that he went to Timco in Dallas for 3 years before he was employed. Finally, one day somebody told him "I thought you were a Negro." He had just gone to the office and applied. He went to the labor union office and he was sent back to the personnel office. When he got there his application returned to the personnel office, his application had already been destroyed. He is a Latin American. When he was eventually hired, he was told he would have to paint inside airplanes instead of out. I guess he had Negro features, so they did not want him exposed.

So he tells me that many of the men actually depend on overtime to make ends meet.

In this particular case, he said if his particular crew was about to do overtime, he would be transferred to another crew and would work on this crew that was not doing overtime. When the crew to which he had been sent to was ready to do overtime, he would be sent back to his original group.

Now, he likewise states that although he has been working with the company for almost 12 years, that white workers called jig builders, and he tells me that the men working with him in the crew, white, have been sent to school to improve their skills but he has never been sent all the time he has been there. There has never been a Negro jig builder on the job.

The problem we run into in some of these cases is that these fellows, in spite of the fact that they are discriminated against and, incidentally, the Latin Americans in the Dallas region and throughout the Southwest fare only a little better than Negroes but these men are, in spite of the fact that they do have menial jobs because they are working with industries that have Government contracts, even the laborers are fairly well paid.

Sometimes it is difficult to get these fellows to sign affidavits and to make statements that are usable.

But they tell me about what is happening and this is one of the experiences of one Latin American with both his labor union and his management.

Mr. AYRES. Looking at the problem over a long range period, then you are actually saying, Mr. Laws, that we are going to have to start to eliminate discrimination at the apprenticeship level?

Mr. LAWS. That is right.

Mr. AYRES. Before we can ever expect the Negro to hold comparable jobs in industry?

Mr. LAWS. That is correct, sir. That is exactly right.

Mr. AYRES. Do you think it is the responsibility of the Congress to dictate to the unions what should be in their apprenticeship contracts which would bar them from selecting primarily only whites for the program?

Mr. LAWS. Well, it seems to me that since the Congress has enacted legislation to protect labor unions, that the Congress also has responsibility to protect minority groups in labor unions.

I would just like to add this: that it seems to me most labor leaders recognize this problem but they are afraid to really come to grips with it.

Now, on December 17, no less a person than Mr. George Meany, himself, appearing on Meet the Press program, in answer to a question

by Mr. Nassiter of the Washington Post, stated that he does not equate corruption with race discrimination.

He goes on to say that labor unions have done a tremendous job over the past decade in striking down racial bars.

He points out that 23 unions that formerly had color bars no longer have color bars.

Now, the fact that there is not a color bar in the constitution does not mean that the union does not discriminate against Negroes.

Now, it seems to me that as labor brings its problems before the Labor Relations Board, it seems to me that Congress ought to provide legislation; as it provided legislation to protect laborers or labor, it should provide legislation to protect those persons who are being discriminated against by labor unions.

Mr. AYRES. I have one more question, Mr. Laws.

You mentioned that oftentimes there was not any incentive for these young people to proceed with their education and their training because they wound up at the dead end.

Mr. LAWS. That is right.

Mr. AYRES. In that respect you mentioned that you had teachers with certificates who were now working as maids because there was no place for them to go.

Mr. LAWS. That is right.

Mr. AYRES. Is there discrimination in the teaching field or do we just have too many teachers?

Mr. LAWS. Of course, there is discrimination in the teaching field.

Mr. AYRES. Can you explain to the committee how that works?

Mr. LAWS. Yes. There is a shortage of all but Negro teachers throughout the Southwest. I said throughout the Southwest. I want to withdraw the statement. Let me just say Texas, Oklahoma, and Louisiana.

Many times it becomes necessary to hire white teachers without degrees because the school board will not hire Negroes with degrees.

You probably know that as a result of discrimination against teachers in Oklahoma more than 300 teachers have lost jobs since integration got underway in Oklahoma in 1955.

So that there is, as I say, in answer to your question, there is discrimination against teachers in the Southwest.

Mr. AYRES. You mean when the schools were integrated the integrated school board would not hire Negro teachers?

Mr. LAWS. Would not hire Negro teachers. In some cases, the small, inadequate, substandard Negro school was discontinued completely but Negroes have not been integrated in sufficient numbers.

Mr. AYRES. Do I understand you to say, Mr. Laws, that there are white teachers without degrees that have replaced Negro teachers with degrees?

Mr. LAWS. I did not say that, sir. I said, sir, that there are white teachers with jobs, while Negro teachers, I mean the superintendent of education and those concerned with employment are hiring white teachers without degrees because of the shortage of white teachers.

This is not necessarily where you have integration, where you have shortage of teachers because of integration or because of displacement of teachers because of integration.

There are school districts hiring white teachers without degrees when there are Negro teachers in those area school districts with degrees.

The CHAIRMAN. Who are unemployed?

Mr. LAWS. Yes, sir; who are unemployed.

Mr. DENT. Are you stating that in some instances where the school-children have been integrated the schoolteachers have not?

Mr. LAWS. That is right. There are a few teachers in Oklahoma but more than 300 teachers have lost their jobs and no Negro teachers in integrated schools in Arkansas or Louisiana, and very few in New Mexico.

Now, I just like to make one point, Mr. Ayers, if I may.

You asked a question about the problem of apprenticeship training. It seems to me that while we should start at this point this should not preclude the Congress and the Labor Department and others concerned with the problem to begin working in other areas. I mean wherever there is discrimination. I do not think we should wait until the enactment of this legislation to prohibit discrimination in employment before we begin working on the agencies and in areas where we can work effectively now.

Mr. AYRES. The way the bill is now written, we would not expect too much to be accomplished until we got at the root of the problem and started training the youth over a period of time.

Mr. LAWS. I think I would say yes.

Mr. AYRES. I would just like to make an observation, Mr. Laws. Unless organized labor takes a strong position on the apprenticeship integration program, we will not get anything accomplished by the bill.

Secondly, unless the National Education Association comes up with a proposal regarding what is happening, about which you have testified so frankly, regarding the hiring of Negro teachers, I doubt whether we will get anything accomplished in that respect.

STATEMENT OF CLARENCE MITCHELL, DIRECTOR, WASHINGTON BUREAU OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. MITCHELL. Mr. Chairman, I am Clarence Mitchell, director of the Washington Bureau of the National Association for the Advancement of Colored People.

The chairman and the full committee and I have been working on this problem together for so many years that I think it is awfully important that we do not get the wrong thing into the record.

Now, the questions that Mr. Ayres is raising are the questions that normally come up and if not properly answered can give the wrong perspective on this thing.

In American industry it is not true that the great majority of people who go in there to earn wages have to go in through a labor union or have to have apprenticeship training.

So, we need legislation which is going to correct employment discrimination which originates with the employer and is carried out at the employment office.

If we get that, we will solve the greatest part of this problem of employment discrimination.

Now, if we are going to refine this process, move these workers up in industry on jobs for which they can be qualified by training, we need to open the doors of apprentice training and we need to end discrimination in labor unions.

So I would say if we are going to have the best kind of legislation, if we are going to have legislation which would knock out employment discrimination where it is at its worst and most extensive, which is in the employment office, then we are going to go to the question of training and, of course, we must knock out discrimination in labor unions.

I want to thank you, Mr. Chairman, for being kind in letting me say it.

Mr. DENT. Mr. Mitchell, I am glad you made that observation for the record because it does help the record to have it more clearly enunciated at that point.

Are there any more questions?

Mr. AYRES. I will be interested in reading the record and comparing Mr. Laws' testimony to what Mr. Mitchell has just said.

Mr. MITCHELL. I think you have to recognize, Mr. Ayres, I have been around Washington for 20 years. I think the chairman will testify to the fact that you learn in 20 years to cut through all of the jungle of obfuscation and get down to the basic earth in these problems so that you can build a road to progress.

Mr. DENT. In other words, you are suggesting that while Mr. Laws is working in the jungles you are working up here in the highly enlightened areas?

Mr. MITCHELL. I am suggesting that in the jungles you get a lot of information and we in Washington have the tools, if we will use them, to cut through and make it possible for fine men like this to do the full job that needs to be done in this country.

Mr. Laws is the kind of person who could be, if he chose to be, an executive in any important firm in this country, run it efficiently and well, but he has chosen to give his life to the work of the NAACP. When he brings these things to you he brings the facts to you.

My purpose in asking for an opportunity to intervene was to make sure that the wonderful and brilliant informative testimony that he has given here would not be thrown out of focus by a question which innocently asked might necessarily bring in some collateral interpretations that did not really fit in the picture.

Mr. DENT. We agree on everything except that one word, "innocence."

Are there any further questions or observations?

Mr. AYRES. I remain innocent.

Mr. DENT. Mr. Goodell?

Mr. GOODELL. Mr. Laws, is it your opinion that we have any danger at this particular time of moving too fast in the field of race relations in this country?

Mr. LAWS. Sir, on January 1, 1963, we will observe the hundredth anniversary of the Emancipation Proclamation. If anybody thinks we have been moving too fast, in a hundred years, I just cannot see it.

We have just pointed out in this testimony that, because of job discrimination, the gap between the living standard of Negroes, I mean Negroes and nonwhite, and whites, is not closing but is widening.

Mr. GOODELL. I agree with you, Mr. Laws.

Mr. LAWS. What I am saying is that we are not moving fast enough.

It seems to me that as the leaders of the free world we have to demonstrate and demonstrate fast that we mean what we say.

Mr. GOODELL. Mr. Laws, I agree with you 100 percent but we do have some people in the highest places in this Government who apparently have some fear we are getting too far ahead of public opinion in this field.

I take it you do not agree with that.

Mr. LAWS. I do not, sir.

Mr. GOODELL. I think there are some who feel we have to maintain a consensus which is the word that was used and maybe we have gone so far and so fast now we are not maintaining such a consensus.

Do you think that we have such a danger generally at this point?

Mr. LAWS. I think, sir, that whether on the national level or whether on the local level, when the leaders take a firm stand on the side of what is right and just for the people and for the country, the country and the people will follow both on the local level and national level.

Mr. GOODELL. President Kennedy yesterday said that we must not go so fast that we will not maintain a consensus of the national opinion on this question and he expressed fear that we would move too fast in race relations generally. That is the way he is quoted in the front page of the New York Times this morning.

I agree 100 percent with you. I hope that it is not going to be used as an excuse for doing nothing in this field because I feel this legislation is very essential right now.

Mr. LAWS. I am in agreement. It is my feeling that one of the responsibilities of a local and national government is to keep the people sensitized on the problems which you face and why it is necessary to take certain actions as this one.

If the people know what it is about and it is the responsibility of Government to keep them informed, I think that for the most part the people will do the right thing.

Mr. GOODELL. I think that as of about 15 or 16 months ago, Mr. Kennedy was more concerned with changing the consensus of opinion. Right now he seems very preoccupied with what the consensus is today.

Mr. POWELL. Will the gentleman yield for a moment?

Mr. GOODELL. Yes.

Mr. POWELL. What is the consensus?

Mr. GOODELL. I do not know what he is referring to, maintaining a consensus of national opinion on this problem.

Mr. DENT. That is a fancy word for the Gallup Poll.

Mr. GOODELL. Yes, I guess so.

It is our obligation to move forward in this field and not be preoccupied with maintaining a consensus.

Mr. POWELL. It sounds like strangulation by semantics.

Mr. DENT. Will the gentleman yield at that point?

Mr. GOODELL. I am glad the chairman said that. We have a bipartisan opinion.

Mr. DENT. I might say, as I said yesterday, that we try to keep these hearings out of the realm of partisanship and political discussion.

However, in all the hearings that are held in the Congress you get into a wide latitude of discussion.

I might suggest that whatever the President's opinion is or whatever the President's program is it will, of course, have a great bearing on the ultimate outcome of legislation.

But in the main, the responsibility is still that of the Congress of the United States.

You might find that in this session as in other sessions, there will be many questions that some of us will not agree with the President on but that will not stop us from doing what we think is right.

If the Congress thinks it is right, we will do it.

Mr. POWELL. Is the chairman referring to the tariff?

Mr. DENT. I certainly am, in a very mild manner.

Mr. POWELL. It is the first time I have ever heard it referred to mildly.

Mr. GOODELL. We would not have had an act in 1957 or 1960 without some strong leadership, and we will need it here, of a bipartisan nature, particularly from the President.

Mr. LAWS, you mentioned this question of which comes first, the chicken or the egg here, it is so easy to be discriminating against an individual because he does not have the qualifications that his competitors of the white race have beside him. I think it is the key question, that if we are going to attack this racial discrimination problem we must start opening up the avenues for improving themselves to the Negroes.

Where you have these avenues clogged up, the Negro faces an almost impossible task of qualifying and getting himself advanced in an equal status with the white people.

Do you agree with that?

Mr. LAWS. I agree with that, sir.

Mr. GOODELL. You mentioned the unions generally and the apprentice program particularly. I am interested in what distinction you would draw in the Southwest particularly between the craft unions and the industrial unions, their attitude on this question.

Mr. LAWS. Well, actually, there is no distinction. Of course, there is this distinction. Negroes are found in the craft unions but sometimes they are part of the union and are not even mentioned in the contract. They pay dues but they do not have, they do not really have status. They are not on the policymaking level. They have nothing to do with the policy. Frequently their complaints are not processed.

In the building trades, the Negroes are excluded entirely. In one case you have them belonging to the union because they are working in an industry in an unskilled capacity. In the building trades they are excluded entirely but there is not very much difference because they do not have much to say or anything to say about policymaking and their complaints with respect to, as was pointed out in one of the letters that I read, and there are other letters from Negroes who worked in these industries, the union does nothing serious on the local or the national level about some of the problems which they raise.

Mr. GOODELL. I am interested in this because, of course, we have had the problem of national union leadership or perhaps the assistance of the national leadership, the unions have been all for these civil rights measures, but it does not seem to have been very aggressively pursued within their organizations down to the working level.

Now, I am not saying this is just true of unions. We had an employer come before us in one of our earlier sessions who was boasting of the number of Negroes he employed in his plant. I think he had aspirations to run for the Senate, as I recall it. He was talking about this.

When we questioned him about how many Negroes were in a supervisory capacity in his plant, he said "None." We asked why. He said, "None of them are qualified."

We asked, "Do you mean that no Negroes are qualified to become supervisors?"

He said, "No, none of them would be."

And he had a very substantial number of Negroes working in this plant.

It illustrates the other aspect of this point that they may hire a number of these people and then not give them equal opportunity to advance.

Mr. LAWS. This is true. This is what I attempted to point up. I talked to the chairman of the labor committee for the State of Oklahoma just last week. He was pointing out the fact that a Negro working for Southwestern Bell Telephone Co., had gone to school to improve himself and he was told that there was no point in his going to school because he would never need this skill as a janitor.

If management takes the position that they are not going to hire Negroes, I think they will also see no Negroes in the plant capable of being upgraded; no matter how qualified these Negroes are. As a matter of fact, because there are so many jobs closed to Negroes, you will find the educational level, the intelligence level, of Negroes working in these industries to be higher than whites. This is true in the postal service and many other areas because there are so many avenues of employment closed to Negroes that many Negroes have to go in industry in some of these jobs that whites go into with only menial education, that you find the level of Negroes many times, educational level, much higher than that of whites in these basic industries.

Mr. GOODELL. One of the frustrating things to those of us who believe in this cause and feel we ought to move forward is that from the working union level and nonunion working level through the employers all the way up to the highest positions in public life, there are people who may sincerely do this but they expound very eloquently on the cause of civil rights. But when it comes right down to the hard realities facing them, they find it more expedient to keep pressure off, so that we do not move forward.

We feel this all the way through the structure of this society in terms of race relations. We have to keep the pressure on and keep moving forward.

Mr. LAWS. I concur in that, sir.

Mr. GOODELL. I would like to make one other point, Mr. Laws, because we may have misled you a little bit. This proposed bill does not cover public employment agencies primarily because we feel there

are some jurisdictional problems involved in this that might snag the whole legislation and we do not want to get it all jammed up on peripheral issues. But there is a provision in here, and I quote from the draft bill, section 5(a), that makes it an unlawful employment practice for an employer—

No. 3, to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization or other source, which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

Now, I am wondering what you feel.

In effect, what this does say is we cannot tell the U.S. Employment Service or the State employment services that they will not discriminate but we can tell the employers that they cannot use this Employment Service if the Employment Service does discriminate.

Now, how effective do you think this will be?

Mr. LAWS. It is a little difficult to see how we can tell an industry what it must do and we cannot tell the agency that we are subsidizing, that we have created—in other words, it seems to me that if management asks labor for Negroes, the agency will provide them, there is no doubt about that.

At the same time, it seems to me we ought to be able to tell the Employment Service that is federally supported that it, too, must adhere to the law.

Mr. GOODELL. I agree. I like the first answer. The answer is that it may not be available for a variety of reasons.

The second question is, will there be any effectiveness to the provision which denies the use of the Federal agency which practices discrimination?

Mr. LAWS. I imagine if the employer could not use the Federal employment agency, then private agencies would spring up.

Mr. GOODELL. We do cover private agencies.

Mr. LAWS. I know you do.

Mr. GOODELL. The only ones we cannot cover are the public.

We are saying if an employer goes to a public employment agency that discriminates, he violates this law, we cannot do anything to the employment agency but we do cover the employer.

Mr. LAWS. My view would be that if the agency will not subscribe to the statute and refrain from discriminating against a person because of his race, creed, age, sex, and other reasons covered by the act that the agency or service should be abolished.

Mr. GOODELL. I agree with you. But the problem is if we cannot do this, and there seems to be grave doubt raised that we can do it; if we cannot, do you think it will be at all effective to cover it in the way I have indicated, to deny the use of these agencies to employers?

Mr. LAWS. That is a little difficult to say. It is a hypothetical question.

Mr. GOODELL. It is not a trick question. Do not get me wrong. I am not trying to present this as preferable to the other but I would like your opinion qualitatively, since you have had so much experience with this, as to whether it would work at all in this respect.

Mr. LAWS. I would have to be assuming this. I mean, I would have to make an assumption, and I do not know how much weight it would carry.

Mr. GOODELL. In other words, you do not know?

Mr. LAWS. That is right. I would be for trying to make the U.S. Employment Service do the job, too the mark.

Mr. GOODELL. Again, may I say I agree with you but I wish you could give me an answer whether the perhaps more practical and feasible approach to it would work or not. If you say it will not work, it will help us. If you say it will work, it will help us.

Mr. LAWS. If I said categorically it would work, I might be going too far.

Mr. POWELL. What about the withdrawal of Federal funds?

Mr. GOODELL. I am in favor of whatever we can come up with that is feasible but we have had some pretty strong opinions that we are not going to get this, it comes under a different jurisdiction, committee jurisdiction, we have different problems with this and perhaps we will not be able to get it. I would like to get something that is effective here.

Mr. POWELL. If the investigative task force should come back from Dallas with clear-cut testimony to the effect that Mr. Laws' charges are correct, I will commend as an individual and Member of Congress that funds be withdrawn.

Mr. DENT. I think the questions of whether or not we can cover in this legislation the public agencies are questions that will have to be determined by the subcommittee first, by the full committee second, and by the Congress, third.

Mr. GOODELL. I have another question, Mr. Dent.

Mr. DENT. I was going to say that I am not so sure but what it will be interesting to note what line of reasoning is taken to prohibit a jurisdictional prerogative to this committee on the question of employment or the lack of employment because of discrimination, no matter what its cause may be; whether the cause is the employment practices of a public agency; whether that can be reasoned out of the legislation; I would like to read it.

Mr. GOODELL. Right now our best advisers have indicated we cannot, and we should, avoid in this particular bill trying to cover State employment agencies.

Now, if we can come up with some feasible way that is reasonable and will get through that we can, all right. In the absence of that, I would like to cover them some other way indirectly.

Mr. DENT. Your action and your aims are laudable but there is a suggestion made that maybe we should change advisers. That is what one of our Governors did at one time.

Mr. GOODELL. I have one final question.

You did, Mr. Laws, in your final paragraph on page 9 bring in the question of age and sex. Do you have any further comments about including discrimination on the basis of age and on the basis of sex in this particular legislation?

Mr. LAWS. My only comment on that would be that I think persons who have skill just should not be discriminated against because of their age and sex. If they can produce then they should be permitted to hold a job at their highest skill. Unless they are able to do this, you create social problems for them and eventually the Federal Government will have to assume responsibility for their general welfare.

Mr. GOODELL. Do you see any difference in terms, practical differ-

ence, in terms of enforcement between discrimination on the basis of race and religion, color, and age and sex? For instance, we do not have any State laws at present barring discrimination on the basis of sex. This is a relatively new field for legislation.

I do not know whether it is going to be quite as simple to approach this problem as it is the question of race and religion and national origin and ancestry.

We have had testimony from some other people representing the NAACP that said they favor legislation on age and sex barring discrimination, but that they would like to see it in separate legislation.

The CHAIRMAN. Would the gentleman yield?

Mr. GOODELL. Yes.

Mr. POWELL. The Commonwealth of Puerto Rico just passed a bill of this nature which I helped them to draw up and it had sex in there. One of the results was that, after the bill became law, the ladies demanded to use the men's room.

Mr. GOODELL. I appreciate the contribution.

Do you have any comment on that?

Mr. LAWS. Actually customs and mores being what they are, I can see that in certain industries where we have had only men that there would be some reluctance about bringing women into the industry. It would naturally cause them to change their habits and their speech and other things and for that reason they might be opposed to it.

But it seems to me that wherever any group has attempted to move ahead, I mean there has been objection, there was objection to women voting, there was objection to work for certain women, there was objection to minimum wages for women, and, of course, these objections no longer stand.

What I am attempting to say is that it is quite possible that because these different races have been working together, men I am thinking about, there there would be less opposition to working, continuing to work with the Negroes because even where Negroes are not working at the highest skills, many times they are still working side by side with whites.

It is only when they attempt to obtain semiskilled and skilled jobs at the same pay that opposition is raised.

Back to your question, there is a possibility, because of custom, that there might be more opposition to this aspect of the law as it relates to sex than race, color, or national origin.

Mr. POWELL. It is precisely at this point that Soviet Russia is surpassing us in the field of the sciences, including the medical and health professions.

The DeWitt report indicates that in the United States only 1 percent of our engineers are women. In Soviet Russia it is one-third.

In the United States only 6 percent of our doctors are women. In Soviet Russia, 70 percent.

This is how they are drawing ahead of us so rapidly because they are practicing equality there between the sexes which, as you say, we are limiting due to our mores and customs of the past.

Mr. GOODELL. May I agree with your statement that the percentage is accurate but having been there and seen the Soviet women, I think there is quite a large degree of difference.

Mr. DENT. In the women?

Mr. GOODELL. Yes, sir. I think we would not want to subject our women to what they are subjected to in the Soviet Union by a long shot. They are treated just like men. They go through all the heavy labor that men do over there.

I do not think our women want equal rights to the heavy labor jobs in this country.

Mr. LAWS. May I say, sir, that I feel, as I am sure Congressman Powell feels when he pointed out what the Russians are doing, that until our country is utilizing its total resources, human resources, regardless of race, creed, sex or age, we are contributing to our own undoing.

Mr. DENT. Mr. Laws, thank you very kindly on behalf of the committee and the Congress for taking the time to give us a very fine presentation here this morning.

Mr. LAWS. Thank you, sir.

Mr. DENT. As I have suggested to the rest of the witnesses, you get a copy of the proposed bill at the earliest possible date and give us the benefit of your opinion of the matter contained therein.

Mr. LAWS. Thank you, sir, I shall do that.

Mr. DENT. At this time I would like to call Mr. Glenwood M. Edmondson and Mr. Alfred D. Dudley to take the witness stand. When they come, I would appreciate if they would come forward to the desk here.

These gentlemen are here under subpoena. I would like for them to examine these affidavits.

Would you gentlemen read these affidavits and tell the committee whether or not they are truly copies of the original affidavit that you signed? Are these correct statements?

Mr. EDMONSON. Yes.

Mr. DUDLEY. Yes.

Mr. DENT. Would you mind raising your right hand so the clerk will swear you?

The CLERK. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. EDMONSON. I do.

Mr. DUDLEY. I do.

Mr. DENT. Would you mind taking the witness stand, sirs?

Without objection, the affidavits of Glenwood M. Edmonson and Alfred D. Dudley will be placed in the record at this point.

(The affidavits referred to follow:)

Glenwood M. Edmonson, being duly sworn, deposes and states:

I am employed at the General Services Administration, Regional Office No. 3, 7th and D Streets, SW., Washington, D.C., in the Division of Design and Construction.

I have been employed in this division as a structural engineer, since October 1937. I am now a GS-11, having entered as a GS-9.

I graduated from Hampton Institute in 1933 from the School of Architectural Engineering.

Within the Division of Design and Construction there are the design, repair, and improvement branch, new construction branch, and schedules and service branch.

I feel that within the Division of Design and Construction racial discrimination exists as exemplified by the following facts:

I was nominated by my supervisor, Alfred W. Sandleman, for an outstanding efficiency award, along with a white coworker. Shortly thereafter Mr. Sandle-

man retired and his successor, Mr. Myron Smith, talked to my coworker, James Lefter, and persuaded him not to pursue the award. I was never consulted concerning my recommendation and I did not receive it.

During the various recruiting drives conducted by this agency for engineers and architects, interviews have been held at various universities such as Maryland and Virginia Polytechnic Institute, et cetera, but no interviews have been made at Howard University, nor to the knowledge of the staff in the Howard University Department of Engineering and Architecture has this agency ever requested or interviewed any of its prospective graduates for future employment.

The Design and Construction Division has refused to hire Negro engineers in the new construction and repair and improvement branches, either in the Government training program (summer students and recent graduates), or qualified Negro engineers and architects employed in the design branch who requested transfer to these branches to fill any of the many vacancies that occurred when the division was reorganized. Negro applicants have never been permitted to serve in the above branches.

Qualified Negro engineers have failed to obtain raises above a GS-11 rating in the Design and Construction Division where Negroes have been permitted to be hired. The sole exception being one engineer who entered at a GS-11 and was promoted to a GS-12 by a former assistant chief of the Design and Construction Division.

Negroes who participated in the training program concurrently with their coworkers failed to obtain promotions available to their fellow participants even when length of Government service was in excess, or when civil service ratings equaled or exceeded the others.

Negro engineers and architects who are assigned office projects located in certain areas of the region (West Virginia, Virginia and Maryland) as a rule are not permitted to travel to the site to make the necessary inspection of the building site or equipment. A substitute coworker is generally sent instead. The substitute need not be in the same field and on occasion is not associated with the project.

Recently, a Negro applicant with a U.S.C.S. civil engineer rating of 85 was turned down for employment despite the fact that there were several openings within the division. The applicant had a very satisfactory performance rating and extensive experience. He was told that no vacancies existed. Another Negro graduate electrical engineer was not hired although the chief electrical engineer strongly recommended his employment. The vacancy existed as the section was understaffed and under a great deal of pressure from a heavy workload.

A recent directive was issued by the General Services Administration Commissioner John L. Moore on nondiscrimination. The directive stated that one-third of its employees were Negroes. The directive did not state the percentage of these employees who are custodial workers.

GLENWOOD M. EDMONSON.

Subscribed and sworn to before me this 8th day of January 1962.

MARY JANE SCOVILLE, *Notary Public*.

Alfred D. Dudley, being duly sworn, deposes and states:

I reside at 2018 Jackson Street NE., Washington, D.C.

I am employed as an electrical engineer at the National Institutes of Health, grade GS-12.

I am a graduate of the Agriculture and Technical College of North Carolina and received my B.S. degree in electrical engineering in June 1958.

I applied for a position with the General Services Administration upon graduation and was placed in their training program as a GS-5.

I was originally employed in the New Construction Division of the central office of GSA. I was transferred with other workers from the central office, New Construction Division, to the regional office at which time my white coworkers were placed in the New Construction Branch of the Design and Construction Division, while I was placed in the Design Branch.

I was promoted through the training program of the GSA on schedule with my other coworkers to the grade of GS-11. The white trainees with me received promotions to GS-12 but I was told that I could not advance as fast as I had

been and it was implied that I would not receive a GS-12 within that Division even though vacancies existed.

I believe that discrimination practices exist in the GSA, Division of Design and Construction, in the fact that there are no Negro professional employees in the New Construction Branch or the Repair and Improvement Branch and that a very few Negroes in a professional capacity have been employed over the years in this Division.

ALFRED D. DUDLEY.

Witness:

MARVIN R. FULLMER.
DON LOWE.

Mr. DENT. At this point I will address myself to the gentleman known as Mr. Edmonson.

What is your name?

**TESTIMONY OF GLENWOOD M. EDMONSON, STRUCTURAL ENGINEER,
DIVISION OF DESIGN AND CONSTRUCTION, GENERAL SERVICES
ADMINISTRATION**

Mr. EDMONSON. Glenwood M. Edmonson.

Mr. DENT. Where are you employed and in what capacity?

Mr. EDMONSON. I am employed at the General Services Administration at 7th and D Streets SW., Washington, D.C.

Mr. DENT. How long have you been in this employment and in this position?

Mr. EDMONSON. Approximately 4 years and 4 months.

Mr. DENT. What is your educational background?

Mr. EDMONSON. I have a B.S. degree in architectural engineering, Hampton Institute, 1953.

Mr. DENT. Will you tell the committee how many branches there are in the Design and Construction Division of region 3 for General Services Administration?

Mr. EDMONSON. To the best of my knowledge, Design and Construction Division consists of at least four major branches. I am not sure about one. I don't know whether it is associated with it or whether it is separate, itself. They are the Design and Construction—I beg your pardon, Design and Construction Branch, Repair and Improvement Branch, the New Construction Branch—

The CHAIRMAN. I suggest the witness raise his voice a little bit more. The acoustics are bad in this room.

Mr. EDMONSON. The Design and Construction Branch, the Repair and Improvement Branch, the New Construction Branch, and the Schedules and Services Branch.

Mr. DENT. At this point, Mr. Powell, you mentioned a while ago that you had a pertinent question that would fit in at this point.

Mr. POWELL. To the best of your knowledge, approximately how many employees in a professional capacity are there in the Division of Design and Construction?

Mr. EDMONSON. Negro or white?

Mr. POWELL. Negro.

Mr. EDMONSON. One.

Mr. POWELL. How many altogether?

Mr. EDMONSON. Approximately in that particular branch itself—I have no exact figure, but I would estimate approximately 40. But in the Design and Construction Division there are approximately

200 to 220 professional employees, engineers, architects, and still 1 Negro.

Mr. POWELL. At this point, Mr. Chairman, I would like unanimous consent to put in the record a survey made by the investigative task force on the breakdown of the classified employees in grades 1 through 18, wage board 1 through 17, total employment number, total number of Negroes, percentage of Negroes, and if these figures are incorrect then I ask the General Services Administration to correct them.

Mr. DENT. For the benefit of the members of the subcommittee here, are there enough copies of this to be presented to each so that they may follow through on the questioning?

Without objection, this will be made a part of the record at this point.

(The document referred to follows:)

Spring 1961, General Services Administration

CLASSIFIED EMPLOYEES

WAGE BOARD EMPLOYEES

Grade	Total employment	Negro	Percent Negro		Total employment	Negro	Percent Negro
GS-1.....	16	12	75.0	WB-1.....	5,602	4,319	77.0
GS-2.....	1,804	855	47.4	WB-2.....	1,819	1,179	64.8
GS-3.....	2,316	494	21.3	WB-3.....	892	523	58.6
GS-4.....	2,723	664	24.4	WB-4.....	456	249	54.6
GS-5.....	1,621	201	12.4	WB-5.....	1,455	604	41.5
GS-6.....	414	21	5.1	WB-6.....	805	396	49.1
GS-7.....	898	52	5.8	WB-7.....	557	224	40.2
GS-8.....	64	1	1.6	WB-8.....	362	134	37.0
GS-9.....	864	25	2.9	WB-9.....	1,450	341	23.5
GS-10.....	51	1	2.0	WB-10.....	1,270	312	16.6
GS-11.....	993	17	1.7	WB-11.....	489	46	9.4
GS-12.....	830	3	.4	WB-12.....	324	10	3.0
GS-13.....	588	1	.2	WB-13.....	170	3	1.7
GS-14.....	316	0	0	WB-14.....	116	1	.08
GS-15.....	153	0	0	WB-15.....	36	0	0
GS-16.....	34	0	0	WB-16.....	5	0	0
GS-17.....	13	0	0	WB-17.....	1	0	0
GS-18.....	6	0	0				
Total.....	13,602	2,355	17.3	Total.....	15,809	8,241	52.1

CLASSIFIED EMPLOYEES

GS-8 or higher, 48 Negro employees (0.35 percent of total classified employees).

GS-9 or higher, 47 Negro employees (0.35 percent of total classified employees).

GS-10 or higher, 22 Negro employees (0.16 percent of total classified employees).

WAGE BOARD EMPLOYEES

WB-8 or higher, 747 Negro employees (4.7 percent of total wage board employees).

WB-9 or higher, 613 Negro employees (3.9 percent of total wage board employees).

WB-10 or higher, 272 Negro employees (1.7 percent of total wage board employees).

Mr. DENT. It shall be assumed that they are correct unless the GSA itself finds that it is an incorrect statement.

Mr. PARKER. May we have a copy, please?

Mr. DENT. Yes.

Mr. POWELL. What is the name of the gentleman?

Mr. PARKER. Mr. Parker, personnel officer, region 3, GSA. I am here as one of your witnesses.

Mr. DENT. Is that legible?

Mr. PARKER. It is all right.

Mr. DENT. It is clearly understood, of course, that if in the opinion of the GSA these figures are in error they shall have the opportunity of presenting their corrected statement.

You said, I believe, that there was only one Negro professional employee in this Division.

Mr. EDMONSON. Yes; to my knowledge, myself. I know of no others at the present.

Mr. DENT. What particular classification does this man hold?

Mr. EDMONSON. Structural engineer, GS-11.

Mr. DENT. GS-11?

Mr. EDMONSON. Yes, sir.

Mr. POWELL. Do you know the name of this individual?

Mr. DENT. Who is the individual?

Mr. EDMONSON. Myself, Mr. Edmonson.

Mr. DENT. In the particular Division that you work in, of course, it shows only one in your Division. According to the fact sheet presented by the chairman, Mr. Powell, it appears in GS-11 there are 993 total employment and 17 Negroes, with a percentage ratio of approximately 1.16 percent of the total classified employment as Negro. It appears that your Division has a much lower ratio.

Do you know of any reason for this?

Mr. EDMONSON. I cannot say honestly that I know of any particular reason. I can only suspect.

Mr. DENT. Let me put it this way. Do you know whether any qualified Negroes have applied for positions within these branches, construction, repair, and improvement?

Mr. EDMONSON. Yes, there are some Negroes who have applied but I thought their qualifications were adequate. Of course I am not a personnel officer but in some instances they had civil service ratings to substantiate their claims for the particular job and grade level that they sought.

Mr. DENT. Does the GSA recruit its employees and if they do, do they do it in an area?

Mr. EDMONSON. Yes, GSA, to my knowledge, does recruit employees. I have known from employees—

Mr. DENT. Excuse me. One of the subcommittee members requested that you speak a little louder so that you may be heard.

Mr. EDMONSON. Yes.

GSA does recruit employees, especially on the professional level. They have, to my knowledge, recruited at Maryland University, Virginia Polytechnic Institute, and, of course, there may be other universities or colleges, but these are the people who come to our agency and to our branch as a result of some of these interviews that are being held, our recruitment programs that they carry to the universities or colleges.

Mr. DENT. Do you know of any restrictive practices, to your knowledge, that the GSA indulges in?

We have a complaint to the effect that Negro architects and engineers, although they may be employed in the agency, have been prohibited from performing certain functions that are properly their functions to perform, such as traveling to certain field construction sites or projects assigned to their particular job area.

Mr. EDMONSON. In that original complaint, they had reference to one engineer that was hired as a GS-11, I believe in 1958. They had a construction program going, remodeling, in Bluefield, W. Va., for a post office. He was assigned the air-conditioning project on this job.

They made up a party from the office to inspect the site to see what changes would be made, modified, to come up with a realistic estimate and the design for the extension and remodeling of this post office.

He was in great hopes of accompanying the group. He was not permitted to go as such.

I base this not only on what he told me but on the testimony or, rather, the information that my former chief, who is now deceased, gave to me.

When this engineer found he was not being allowed to go, he questioned it, and he must have raised the question among several of the superiors because my superior told me that "Mr. So and So, Mr. Shipp, was making a nuisance of himself, wanting to go to this site. We are going to have to do something about it."

I said, "Why?"

He said, "Well, you know why." And that statement was repeated later at another time.

Mr. DENT. Did the Negro engineer feel that this was an act of discrimination against him?

Mr. EDMONSON. Yes, he did; and he lodged several protests, not only as a result of this particular job but several other jobs, with his superior.

Mr. DENT. Did it happen again after the lodging of the protest?

Mr. EDMONSON. I believe so, to the best of my knowledge. I believe there was a followup inspection and he was not permitted to go although it was explained to him why he was not permitted to go but he didn't feel that that was sufficient grounds.

Over a period of time he lodged other protests and shortly before his transfer from the Agency, he had been promised that he would be allowed to make out-of-town visits to one of the sites.

Mr. DENT. Was this transfer one that he asked for?

Mr. EDMONSON. Yes; he asked for the transfer because he felt as though he had been unduly discriminated against and that he had no future in the Agency.

Mr. DENT. Will you please speak a little louder? The airplanes are giving us competition.

Mr. EDMONSON. He sought the transfer because he thought he was being discriminated against and that he had no future in the Agency, although I would like to state that one of his former coworkers approached him first concerning the opening here at this particular job that he took, but it would have been up to him to seek the appointment.

Mr. DENT. Do you feel that this is a common or an uncommon practice in this particular Agency?

Mr. EDMONSON. In my particular Agency, I think it is a common practice because of the three engineers who have left the Agency, to the best of my knowledge, with good standing and satisfactory work performance. They all had to transfer in order to seek promotions although promotions were added before and after they left.

Mr. DENT. You are in GS-11. How long have you been a GS-11?

Mr. EDMONSON. Over 3 years. I had my second ingrade promotion December 14, I believe.

Mr. DENT. Are you satisfied that your particular step-ups have come according to the normal procedures?

Mr. EDMONSON. No, I am not.

Mr. DENT. Do you feel that there is a practice which hinders your advancement?

Mr. EDMONSON. I do. I believe that it is perhaps somewhat discriminatory but, to the best of my knowledge, the facts may not bear it out, but to the best of my knowledge what I have been able to understand from questioning the various people in the Agency who might know for this particular reason, especially since I had at one time been recommended for an outstanding performance that no one later had any knowledge of, and having very recently been given a very satisfactory performance rating by my chief and in addition to that very recently having been given a GS-12, 90 rating from the Civil Service Commission.

Mr. DENT. Do you believe, then, that these prohibitions against full use of the Negro employees or professional staff in effect hinders their efficiency and their drive or desire?

Mr. EDMONSON. Yes. In this one particular case I have reference to, the gentlemen who wished to go to Bluefield to check the job. I was the structural engineer on this particular project and we experienced a great deal of difficulty in revising the plans to effect various changes that they had proposed.

He mentioned to me several times that he was in grave doubt as to some information concerning certain features of the old plant, the existing office building, which was subsequently borne out from other information that had come into the office as he was working.

He mentioned to me at one time "Had I been permitted to have traveled there, I could have saved myself several days' work and perhaps a few hundred dollars."

Mr. DENT. Do you mean that he was responsible for the design and the estimates and yet was not permitted to see the project that the design was to fit?

Mr. EDMONSON. He was not the only one on there but he was the chief project engineer. He was not, I believe, at the time, shall we say, section chief, but this was primarily his assignment. He felt he had been hampered and hindered from doing a very effective job by not being allowed to travel to the site.

Mr. DENT. Was this a remodeling job?

Mr. EDMONSON. Yes, it was.

Mr. DENT. Is it the usual practice to have a project engineer not view the project before the remodeling plans are designed?

Mr. EDMONSON. Not as a rule. The only exception being made to that is perhaps if your supervisor, who is usually in the same professional branch that you are, goes to the site. But I cannot recall off-hand, but I am not sure whether an air-conditioning engineer traveled to the site.

Mr. DENT. Then it is not an uncommon practice for the chief project engineer not to review the project that he is to redesign?

Mr. EDMONSON. Not uncommon, no, but generally he does.

Mr. DENT. Your affidavit states that you feel that these exclusions represent racial discriminatory practices.

Have you ever filed a complaint concerning these practices with the existing President's Committee on Equal Employment Opportunity?

Mr. EDMONSON. Yes, I did. I filed a complaint on November 15, 1961.

Mr. DENT. Has there been any investigation of this?

Mr. EDMONSON. There is an investigation going on at present.

Mr. DENT. In other words, there has been no result made known to you or anybody else that you know of?

Mr. EDMONSON. No.

Mr. DENT. Do you know when the investigation started?

Mr. EDMONSON. To the best of my knowledge it started very recently. Mr. Butler, of the President's Committee, said that action would begin in approximately 3 weeks, which would be around the end of November or the 1st of December, 1961.

I called several times and was told that no action had been taken, that it was under consideration.

The early part of December, I was told that the case had been just forwarded to the Central Office, General Services Administration Central Office.

More recently I heard that the case arrived there at a much later date.

Mr. DENT. Were you recruited for the position that you took with this Agency or did you seek employment?

Mr. EDMONSON. I sought employment. I sought employment with General Services Administration from 1953 to 1957. I think I made approximately six applications.

Mr. DENT. Was there any others employed by the Agency during those years?

Mr. EDMONSON. I did not quite understand.

Mr. DENT. Were there others employed during the period of time you had your application in?

Mr. EDMONSON. I do not know exactly but, to my knowledge, there were none. Later in 1957 I found, I believe, to the best of my knowledge, only one employee engineer at the central office. There may have been others but they were not brought to my attention or in my travels to the central office I did not see any others.

I cannot say definitely there were not, but if they were they appeared to be relatively few and far between.

Mr. DENT. For the record you do not make the statement that the fact that you applied for a position and that you did not receive the position from 1953 to 1957 was not because of the fact that you were discriminated against but because there was no employment?

Mr. EDMONSON. No, I think it was because of discrimination because on several occasions I applied to the central office, the various chiefs I had worked with at the Office of the Quartermaster knew of certain employees in the personnel or other departments of the General Services Administration and told me there were vacancies in my particular level which was around 5 or 7.

They also explained to me that they had a training program for recent college graduates or those expecting to graduate, and I made application and I was turned down on a couple of occasions.

The gentleman I believe was by the name of Thurman. He told me that they were literally filled up with students, trainees, and they

had expected, I believe—now, this is what he told me—that they would have mostly Notre Dame University trainees. I have never been able to substantiate that statement but this was one of the many times I sought employment there.

Finally, when I went to them in 1957, I sought employment there, they said they didn't have any but the gentleman in the structural section, at the behest of my superior, sought to find me suitable placement in an agency. He knew of such a vacancy at the present agency I am in and he called several times trying to get them to hire me.

Finally, he did succeed in making an appointment. I talked to the Chief of the Division then, Mr. George Sheldon, and he told me my qualifications were adequate but that the central office had told him not to hire employees in the region, only at the central office alone.

Whether this is the truth, I do not know, but this is what he told me.

So I left, thinking that I did not receive the job. I was called approximately 2 weeks later and told that I was to be employed. I was quite surprised and was trying to find out why I was never given an answer.

In probing around, someone mentioned that perhaps a certain representative from the House of Representatives may have been influential.

Mr. DEXT. Mr. Dudley, in your statement here it appears that you are a graduate of the Agriculture and Technical College of North Carolina and hold a bachelor of science degree in electrical engineering.

You state here that you were employed as a trainee under the program, training program, of the GSA in classification of GS-5, that you are now GS-11.

You further make the statement that discrimination practices exist in GSA, Division of Design and Construction, and that the white trainees who are with you have received promotions to GS-12.

You make the statement that you were told that you could not advance and that you would not receive a GS-12 within that Division although vacancies existed. Would you elaborate on those statements?

TESTIMONY OF ALFRED D. DUDLEY, ELECTRICAL ENGINEER, NATIONAL INSTITUTES OF HEALTH

Mr. DUDLEY. I stated it was implied that I would not receive the GS-12 even though it exists. I was told that I wouldn't advance as fast as I had been advancing.

I gathered from that that I wouldn't receive a promotion even though the vacancy exists. I knew that the vacancies existed at that particular time because three GS-12's had recently left the agency.

Mr. DEXT. Did your advancement come in order from GS-5 to GS-11 with the other trainees?

Mr. DUDLEY. Yes, it did. That is because I believe this would bring the thing out in the open because it was something separate from the agency, I would think. After I finished this trainee program—

Mr. DEXT. Your advancements all came under the trainee program?

Mr. DUDLEY. That is right, under the trainee program.

Mr. DEXT. You are now stating for the record that, since getting into the regular work under GS-11, you have not been advanced any

further but all the others have who were in the trainee program with you?

Mr. DUDLEY. That is right. I have transferred to another agency now with another graduating GS-12.

Mr. DENT. Within the same organization, GSA?

Mr. DUDLEY. No, it is NII, another agency.

Mr. DENT. What made you seek the transfer?

Mr. DUDLEY. Because I knew that I had reached a stalemate there and I wouldn't be able to advance.

Mr. DENT. There are, however, Negroes, according to the statistics here, presented by the chairman of the full committee, Mr. Powell, there are Negroes in positions higher than GS-11?

Mr. DUDLEY. Where? GSA?

Mr. DENT. There are 13 all together. Three GS-12's, one GS-13, according to this statement.

Are they in the Division you worked in or not?

Mr. DUDLEY. No, they are in the central office, I suppose.

Mr. DENT. Would you take over the meeting at this point, Mr. Ayres? I have been called to a very important conference.

Mr. AYRES. You are taking an awful chance.

Mr. DENT. I am not taking a chance. I know you are an innocent babe, by your own confession.

I have to attend a conference with the chairman so I will be back as soon as I can.

Mr. AYRES (presiding). Do you have any questions, Mr. Goodell?

Mr. GOODELL. Mr. Dudley, I have before me the chart of the General Services Administration which shows 48 Negro employees GS-8 or higher level, 47 GS-9 or higher, and 22 at GS-10 or higher.

Running back to those at GS-8 or higher, the Negroes represent 2.4 percent of employees at GS-8 or higher. GS-9 represents 2.4 percent, and GS-10 represents sixty-eight one-hundredths of 1 percent of the employees, GS-10 above.

Is it your opinion that there are qualified Negroes being denied access to these jobs in GSA?

Mr. DUDLEY. Yes, I would say so.

Mr. GOODELL. Do you agree with that?

Mr. EDMONSON. Yes, I do.

Mr. GOODELL. Do you feel that there is a substantial number of them?

Mr. EDMONSON. How many I cannot say because in my position I am only able to talk to those who seek me out trying to intercede for them. As a rule, I try to find out what is happening.

On a number of occasions, various prospective employees have found my name and contacted me at my home or on my job and asked for me to intercede for them on their behalf and, of course, I sometimes discuss their qualifications and tell them whom to see, if possible.

Mr. GOODELL. You are there, you know a great many of the employees, you know the situation that exists there.

You do not want to say that there are a substantial number of Negro employees qualified for this level or above. How would you describe the number of Negro employees that are qualified to go above?

Mr. EDMONSON. Are you speaking of present employees or prospective?

Mr. GOODELL. Applicants or present employees, people qualified to hold these jobs who have made themselves available for those jobs.

Mr. EDMONSON. I know of perhaps three or four. I don't know the people personally but the men told me that they sought certain positions and gave me their educational experience and also noted that they had recent ratings from the Civil Service to substantiate their request for this particular job, their rating.

Mr. GOODELL. You recognize, of course, that it is imperative that we work from both ends of these things, that you cannot criticize an employer for not having a high enough percentage of Negro employees if he does not have enough applications from Negroes who are qualified to raise that percent?

Mr. EDMONSON. Yes, I do.

Mr. GOODELL. I think the committee is very much interested in your testimony that there has been some bias against those who have applied but these percentages dim considerably in importance if there is not a substantial number of applicants or qualified people there looking for jobs who are Negroes.

Mr. EDMONSON. There is one thing, you have to differentiate between these in the GSA. You have a regional office here in the District of Columbia that is essentially a field office. You also have a central office. Where these figures come from, I do not know, but in the regional office that I am concerned with, at the professional level, these figures do not stand up at all.

Mr. GOODELL. Which figures?

Mr. EDMONSON. The percentage of employees that you mentioned in the grades 8, 9, and so on.

In the area that I am concerned with, and Mr. Dudley, what we are concerned with is the regional office and there is only one Negro GS-11, myself. I know of no GS-9 professional Negro. I know of a GS-7 draftsman, but in my Division which I am concerned with, those figures do not apply.

Mr. GOODELL. When you say "regional office," what region does this cover?

Mr. EDMONSON. This covers region 3.

Mr. GOODELL. What region is that?

Mr. EDMONSON. This takes in Washington, D.C., Virginia, Maryland and West Virginia.

Mr. GOODELL. Counsel, do your figures include all employees in GSA, including the regional offices?

Mr. LOWE. I will have to find out.

Mr. GOODELL. We had some testimony in another subcommittee involving the apprenticeship program in the Labor Department, the apprenticeship section. They were very concerned presumably about certifying an apprenticeship program that was discriminatory and that they themselves did not employ any Negroes in that section.

Their answer was a very sensible answer: that they did not have any applicants, they did not recall having any applicants who were qualified.

My point is this. I recognize your testimony goes to your own personal situation and those three or four that you mentioned that you know of, but it is imperative that we keep Negro applicants who are qualified pushing for these jobs and applying for them, making

themselves available. We cannot advance their cause unless there are qualified people there.

Mr. EDMONSON. One reason might be, sir, that the records do not always show who applied. Of course, as you know, on the 57 there is no racial designation on it, the 57 itself.

I do know a number of employees, Negro employees, have sought employment there. It does not imply that all of them were qualified.

Mr. GOODELL. You say "Negro employees." Are you talking about this higher level now?

Mr. EDMONSON. I am talking about Negroes who have applied for architectural or engineering jobs in the agency.

Mr. GOODELL. In other words, when you said three or four you were speaking of cases you personally knew right now?

Mr. EDMONSON. Yes.

Mr. GOODELL. Now, this makes it appear that you are talking about a very, very small number, but your statement now seems to indicate that you know of many, many more who have applied who are qualified.

Mr. EDMONSON. There have been more but, as I said, I have no contact between them. The only contact I had was with those who continued to push and trying to find out why they were not employed, why they could not get employed, or whom they could see to circumvent perhaps an unsatisfactory answer or refusal.

The one particular case I have reference to in my original charges was at a time when we were expanding and they had anticipated in my particular section, which is the structural section, getting new trainees.

This one Negro appeared about the time that this was going into effect with civil service rating of GS-5, 95, for civil engineer. I don't recall. I know the office, itself, had tentatively hired one white graduate but he was not hired and, of course, after he was turned down literally we did receive three or more and one about 2 or 3 months later who had not been in the office at the time that he had made the application. In fact, one of the new trainees was interested in getting his classmate hired who had not appeared at the office at that time to apply at the time this Negro had applied.

Mr. GOODELL. You mentioned earlier that obviously there is no designation on your application form as to race. There is no record kept of this.

You recognize, I take it, that this has its good and bad features. That when you are looking at a given agency it becomes much more difficult to judge what they are doing in the way of discrimination because there is no record. I am not so sure but what that particular requirement is not becoming outdated.

Mr. EDMONSON. Perhaps so, too, but I think another important thing would be, it would help a great deal if the agencies were bound by some rules of common decency and holding the applications for a specific period of time. In other words, the first-come-first-served basis such as you have, similar to what you have on your register.

I have on occasion come to agencies I know that were seeking employees and in a very, very short time my 57 would have been sent back to me.

Later, checking back, I would find that they had hired since the application had been sent back.

This one particular person I have reference to, his 57 was sent back after 5 months and, later, after that had been sent back, they hired another man as a result of the recruiting drive which was later than that.

In other words, it is very easy to say, "Well, so-and-so came to me. I don't know his name, I don't have his records. He was not qualified."

By the same token they should be bound to prove it. There is no record, there is nothing, the man just never existed.

Mr. AYRES. This probably does not have any bearing on the reason you are here directly, Mr. Edmonson, and Mr. Dudley, but why did you seek employment in Government? Mr. Edmonson first.

Mr. EDMONSON. I sought employment in Government because I believed there was little chance for me in private industry.

Going on the basis of former graduates who returned for graduation at my college and listening to their experiences, we had several what you might call coffee sessions and smokers, and the heads of the department would have him talk to the new graduates and find out where they might be placed. At that time we had a placement office and the lady who ran it had recently returned from several trips around through various States trying to line up employment for engineers.

Mr. AYRES. You graduated in 1953?

Mr. EDMONSON. Yes.

Mr. AYRES. Was there not a shortage of engineers in private industry at that time?

Mr. EDMONSON. Yes, there was. But she was not able to obtain openings or interest in enough of us. I think perhaps she was able to find possible employment for perhaps two out of my class.

Mr. AYRES. Whom did she work for?

Mr. EDMONSON. She worked for the Hampton Institute. She was the placement officer.

Mr. AYRES. Where was your home originally?

Mr. EDMONSON. My home was in West Virginia.

Mr. GOODELL. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. GOODELL. How long was she pursuing for you and for other Negro engineers?

Mr. EDMONSON. This is a full-time job.

Mr. GOODELL. You said that she had your application?

Mr. EDMONSON. Yes, I talked to her in March, April and May, and into the last of June. I was the last one to leave the school. I had no prospects for employment and I saw her the very day I left. She had nothing to offer.

Mr. GOODELL. To your knowledge, did she submit your name to people who had openings for positions for which you were qualified?

Mr. EDMONSON. Yes, because she gave me on several occasions résumés she had typed and had directed to various places.

I remember one was the Coca-Cola Co., I don't know what they would want with me, but Westinghouse, General Electric, RCA, and I would sign the résumé.

Mr. GOODELL. How were your marks?

Mr. EDMONSON. I believe I was in the upper quarter of my class, a B, or slightly better than B, student.

Mr. GOODELL. What is the Institute?

Mr. EDMONSON. Hampton Institute, Hampton, Va.

Mr. GOODELL. All Negro?

Mr. EDMONSON. It was all Negro. It is not all now.

Mr. GOODELL. In other words, at the time you graduated it was all Negro?

Mr. EDMONSON. Yes.

Mr. GOODELL. Your application coming from the placement director at Hampton would obviously be from a Negro?

Mr. EDMONSON. Yes, although she was white, herself. She has held this job for a number of years.

Mr. GOODELL. There was no question of employers identifying the fact you were a Negro?

Mr. EDMONSON. No.

Mr. AYRES. What did you do in 1953 to 1957?

Mr. EDMONSON. From 1953, when I came to Washington, I went to various agencies. I was finally hired by the Office of the Quartermaster General as engineering draftsman.

Mr. GOODELL. When was that?

Mr. EDMONSON. June of 1953, June 20.

Mr. GOODELL. I am glad the Eisenhower administration offered him a job anyway.

Mr. AYRES. Mr. Dudley, you sought employment in Government for the same reason?

Mr. DUDLEY. Yes, for the same reason, plus I didn't have my military obligation out of the way and private industry is reluctant to hire you until you get that obligation out of the way.

Mr. AYRES. Was that issue in your case, Mr. Edmonson?

Mr. EDMONSON. No, sir. I was a veteran.

Mr. AYRES. Thank you very much, gentlemen.

We will release you two gentlemen from your subpoenas.

Mr. Rosenfeld, Mr. Dorsey, Mr. Parker, and Mr. Cromwell, please come forward.

Who is the spokesman for you gentlemen?

STATEMENTS OF A. H. ROSENFELD, NONDISCRIMINATION OFFICER; GEORGE A. DORSEY, DEPUTY NONDISCRIMINATION OFFICER; WILLIAM N. PARKER, PERSONNEL OFFICER, REGION 3; J. S. CROMWELL, CHIEF, DESIGN BRANCH, DESIGN AND CONSTRUCTION, REGION 3; AND ROBERT DAVIS, DIRECTOR OF LEGISLATION, OFFICE OF THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

Mr. ROSENFELD. I am, sir. I am Mr. Rosenfeld.

Mr. AYRES. Do you wish to proceed on anything you might wish to add?

Mr. ROSENFELD. Thank you, sir.

Mr. AYRES. May I ask, have all you gentlemen had the benefit of the testimony of the previous witnesses?

Mr. ROSENFELD. Yes, sir.

May I also add that Mr. Davis, the Chief of Legislation of GSA is also present at the table.

Mr. AYRES. For the benefit of the record, you might as well start around.

Mr. DAVIS. My name is Robert Davis. I am Director of Legislation, Office of Assistant Administrator for Congressional and Public Affairs, GSA.

Mr. PARKER. I am William N. Parker, regional personnel officer, region 3, GSA.

Mr. ROSENFELD. I am A. H. Rosenfeld, nondiscrimination officer of GSA.

Mr. DORSEY. George Dorsey, deputy nondiscrimination officer, GSA.

Mr. CROMWELL. Joseph S. Cromwell, Chief of Design Branch.

Mr. DAVIS. Mr. Chairman, in answer to your question, we have heard the testimony this morning. We have seen the complaint filed by Mr. Edmonson and Mr. Dudley with the President's Committee. We have not seen the two affidavits that were made a part of the record this morning.

Mr. AYRES. The affidavits are basically the same thing that the gentlemen testified to. But you are perfectly free to review them.

Mr. DAVIS. We are somewhat handicapped in our testimony this morning, Mr. Chairman, to the extent that the affidavits filed with your committee and the complaint which was furnished us by the President's Committee are very general and we had no names, no cases that we could check into. The cases mentioned here this morning, of course, we cannot speak about without going back and checking the record.

Mr. AYRES. When were you first aware that the witnesses were going to be called this morning?

Mr. ROSENFELD. Last Wednesday.

Mr. DAVIS. That we or the complainants, Mr. Chairman were going to be asked to testify?

Mr. AYRES. When did you first know that Mr. Edmonson and Mr. Dudley were going to register a complaint before the committee?

Mr. ROSENFELD. January 5.

Mr. AYRES. At that time you did not know what the complaint was going to be?

Mr. ROSENFELD. After going over to the office of the President's Committee, the complaint was given to us and hand-carried back to our office.

The complaint which was filed with the President's Committee.

Mr. AYRES. Would Mr. Edmonson or Mr. Dudley have had any occasion to confer with you prior to coming over here to testify?

Mr. ROSENFELD. Not so far as I am concerned.

Did you say did they have an opportunity?

Mr. AYRES. No.

Mr. ROSENFELD. You mean did we ask them or did we talk to them?

Mr. AYRES. Would they have any occasion to do so under your setup? The point I am getting at is, if an employee feels that he is being discriminated against in the department, what channels does he have to seek a review?

Mr. ROSENFELD. First, he has his direct supervisor. Then he has the deputy employment policy officer who is located right over there at region 3, that is in Washington. Then if he does not want to go

to that source, he can still go to the employment policy officer located in the central office who happens to be Mr. Dorsey sitting beside me.

As a last resort, if he does not want to go to any of these sources, he can go to the President's Committee on Equal Employment Opportunity. He can go to all those sources.

Mr. AYRES. To your knowledge, have either of these witnesses gone through any of these channels?

Mr. ROSENFELD. So far as I am concerned, I do not know that they went through any of those channels until we heard from the President's Committee with respect to that complaint late on the afternoon of January 4 and then, on January 5, we went over and received the complaint, 10 days ago.

Mr. GOODELL. It is my understanding that you did not know there was any complaint at all until January 5.

Mr. ROSENFELD. No, sir.

Mr. GOODELL. It is my understanding that the complaint was filed with the President's Committee on November 15.

Now, is there not any procedure for reporting these things to you gentlemen?

Mr. ROSENFELD. I cannot answer for how the President's Committee operates but I do know that the complaints are usually sent from the President's Committee to GSA.

Mr. GOODELL. I am not concerned about the internal operation of this committee but you have gentlemen here who apparently are responsible for nondiscrimination—you certainly must know how the committee operates with respect to your organization and what the time lag normally is between the filing of a complaint and coming to your attention—are you not?

Mr. ROSENFELD. We receive complaints in our office and they are dated from the committee the day before. We do not know what date they entered the offices of the committee.

Mr. GOODELL. You mean when you start investigating these that you do not in the general course of events find out pretty definitely how long they have been complaining in the process?

Mr. ROSENFELD. We can find out after we start investigating or the complaint on its surface indicates the date. There can be a 30- to 60-day lag sometimes.

Mr. GOODELL. Now, it is also true, is it not, that prior to coming here you discussed this in some detail with our staff members as to the details of the complaints?

Mr. ROSENFELD. Mr. Dorsey did; I did not.

Mr. GOODELL. You have given us the impression you are coming here completely unprepared because you had no notification in detail as to what was going on.

I am informed by the staff this is not true.

Mr. ROSENFELD. I am sorry if I gave you that impression. We were advised of complaints. The only definite information we had as to the content of the complaint was the one which was filed with us by the President's Committee and then, of course, if there was further discussion, Mr. Dorsey is here and you might question him.

Mr. GOODELL. Mr. Dorsey, did you have a conversation about the details of these complaints with the staff here?

Mr. DORSEY. To a limited degree, with Mr. Abramson and Mr. Fullmer, I believe, on Wednesday, when they submitted information about the specific complaint that has been filed.

I have been on the phone with them once or twice since then. But not until Tuesday afternoon did I know, when I got a call from Mr. Fullmer for an appointment, which I believe was Wednesday morning at 10 a.m. in my office.

Mr. GOODELL. May I say, I do not know about Mr. Ayres, but I had no knowledge in advance you were coming here. I know nothing of this background, but if you have not had time to prepare and know what the complaint is, then you certainly will be given enough time.

We would like some answers to these things.

Mr. DORSEY. I have made some preliminary survey of the complaint but it was very general and as late as yesterday morning we were still checking some of the information.

Mr. AYRES. Let me ask this before we go any further.

How many complaints have you had referred to you from the President's Committee, say, in the last 6 months?

Mr. DORSEY. I think about 20 in the last 6 months.

Mr. AYRES. I am trying to get a figure. I am trying to determine whether or not this is an isolated case.

If you had 20 in the last 6 months, it certainly is not an isolated situation.

Mr. ROSENFELD. It is not an isolated situation insofar as a complaint being filed is concerned, but there is a difference between the affidavits which were presented here and which we heard, which named names and circumstances, and the complaint which was filed with us or forwarded to us by the President's Committee, a copy of which I have in front of me.

Now, Mr. Davis has something.

Mr. DAVIS. Mr. Chairman, we do not want to leave the impression this morning that we are here totally unprepared to testify.

Mr. Rosenfeld is here to speak in behalf of the Administrator of General Services. He has a statement of policy that he wishes to present for the record and the GSA witnesses are prepared to testify with respect to the general complaint filed by the complainants with the President's Committee.

Though the affidavits which were filed with your committee are based pretty much on the complaint, this is the first knowledge we have had of such affidavits.

We are perfectly willing to proceed with the prepared statement and answer your questions with respect to this complaint of which we have had previous knowledge.

Mr. AYRES. Do you have copies of your statement?

Mr. ROSENFELD. I had intended to read the statement.

Mr. AYRES. You may go ahead.

Mr. ROSENFELD. Mr. Chairman and gentlemen, the following is a statement on behalf of the Administrator of General Services.

Nondiscrimination in Government employment has been maintained as a policy in GSA for many years. Under the provisions of the Executive order creating the former President's Committee on Government Employment Policy, this Agency enacted implementing regu-

lations providing the officers and the rules and regulations by which employees of GSA or applicants alleging discrimination by virtue of race, color, religion, or national origin might be heard. A copy of the implementing regulations is attached hereto.

(The document referred to follows:)

DOA 5410.1
March 27, 1959

PART 10. NONDISCRIMINATION IN GSA EMPLOYMENT

SECTION 1. GENERAL

130. *Scope.* This Part sets forth the authority and responsibility for handling complaints of discrimination based on race, color, religion, or national origin. It applies to all employees and applicants for positions, except noncitizens at overseas locations.

131. *President's Committee on Government Employment Policy.* This body (hereafter referred to as the President's Committee), consisting of three Government members and two public members, is responsible for making recommendations on personnel practices and methods to make effective throughout the executive branch of the Federal Government the nondiscriminatory employment policy stated in Executive Order 10590, dated January 18, 1955. It also furnished advisory opinions to department and agency heads on cases referred to it at the request of the complainant or on the initiative of the department and agency heads.

132. *Responsibility.* a. The Employment Policy Officer in the Central Office shall be responsible for investigating complaints of alleged discrimination and for assisting and advising the Administrator on all matters necessary to assure conformity with the policy and intent of Executive Order 10590, and the regulations and procedures established by the President's Committee.

b. The Deputy Employment Policy Officer in each region shall be responsible for assisting the Employment Policy Officer in the Central Office in carrying out these responsibilities.

133. *Reserved.*

SECTION 2. COMPLAINTS

134. *Who may file.* Any employee, applicant, a duly authorized representative, or designated spokesman of a duly constituted group or organization may file a complaint under this Part.

135. *How to file.* All complaints must be in writing and must include the following:

a. Specify whether the alleged discrimination is based on race, color, religion, or national origin;

b. State exactly and clearly the personnel matter or action about which complaint is made;

c. Give the date of the action;

d. Give the title and grade of the position, and the organizational unit where it is located, if the complaint concerns failure of appointment or promotion to a particular position.

e. Give the name and title of the supervisor or official who is responsible for the alleged discrimination if known; and

f. State all facts which support the belief that there has been discrimination due to race, color, religion, or national origin.

136. *Where to file.* Complaints may be addressed to:

a. The President's Committee on Government Employment Policy, Room 308, U.S. Civil Service Commission, 8th and F Streets NW., Washington 25, D.C.;

b. Employment Policy Officer, General Services Administration, General Services Building, Washington 25, D.C.; or

c. The Deputy Employment Policy Officer in the regional office.

137. *Reserved.*

Mr. ROSENFELD. Upon the signing of Executive Order 10925 by President Kennedy establishing the President's Committee on Equal Employment Opportunity, GSA reexamined its employment policy insofar as discrimination because of race, creed, color, or national origin was concerned. This was for the purpose of planning further

implementation of its rules and regulations, where necessary, in conformity with the desire of the President in his Executive order, and in conformity with the rules and regulations of the President's Committee on Equal Employment Opportunity of which the Administrator of GSA is a member.

On July 24, 1961, 2 days after the publication of the rules and regulations of the President's Committee on Equal Employment Opportunity, the Administrator of GSA established a special staff section in the Office of the Director of Administration, operationally responsible to the head of the agency, to devote full time to implementing and coordinating, within GSA, the policies of the President's Committee. At the present time this office comprises a nondiscrimination officer and a deputy, who is also the employment policy officer of GSA. The deputy employment policy officers in the regional offices have been continued.

For the purpose of again bringing to the attention of officials and employees the basic GSA policy on nondiscrimination in employment, the Administrator issued a GSA order on October 16, 1961, setting forth the policy and responsibility of officials and employees within the agency. A copy of the order is attached hereto.

(The copy of the order referred to follows:)

GENERAL SERVICES ADMINISTRATION

Washington, D.C.

ADM 5450.25

October 16, 1961

GSA ORDER

Subject: Nondiscrimination in Employment.

1. *Purpose.* This order again brings to the attention of officials and employees the basic GSA policy on nondiscrimination in employment.

2. *Background.* Executive Order No. 10925 issued by President Kennedy on March 6, 1961, reaffirmed the policy expressed in Executive Order No. 10590 of January 18, 1955, and prohibits discrimination against any employee or applicant for employment in the Federal Government because of race, creed, color, or national origin. Executive Order No. 10925 established the President's Committee on Equal Employment Opportunity, which is directed immediately to scrutinize and study employment practices of the Government, and to consider and recommend additional affirmative steps which should be taken by executive departments and agencies to realize more fully the national policy of nondiscrimination within the executive branch of the Government.

3. *Policy.* It shall be the policy of GSA, in all personnel practices and actions, to afford equal opportunities and consideration to all persons, without regard to race, creed, color, or national origin.

4. *Responsibility.*

(a) Heads of Services and Staff Officers in the Central Office and Regional Commissioners are directly responsible for assuring adherence to the nondiscrimination policy within their areas of jurisdiction.

(b) In all personnel actions and practices, officials and supervisors are expected to be guided by considerations of merit, fitness, equality of opportunity, and fair treatment, without regard to race, creed, color, or national origin of applicants or employees. Each supervisor should be on guard against actions or words that could be interpreted as discriminatory, and should be alert to identify and correct any practices contrary to the intent of the policy.

JOHN L. MOORE, Administrator.

Mr. ROSENFELD. On the same day a memorandum was issued to all employees by the Administrator on nondiscrimination in employment and particularly emphasized his pledge to cooperate to the fullest ex-

tent with the President's desire to end discrimination within the Federal Government. A copy of the memorandum is attached hereto.
(The memorandum referred to follows:)

GENERAL SERVICES ADMINISTRATION

Washington 25, D.C.

OCTOBER 10, 1961.

MEMORANDUM

To: All GSA Employees.
From: The Administrator.
Subject: Nondiscrimination in Employment.

The employment practices of General Services Administration have always been designed toward the policy of equal employment opportunity regardless of race, creed, color, or national origin. This is evidenced by the fact that over one-third of our employees are members of the minorities. On March 6, 1961, President Kennedy, in his determination to eliminate all discrimination in employment in the Federal Government, issued Executive Order No. 10925 in which he set forth the steps to be taken for the achievement of his goal.

As a member of the President's Committee on Equal Employment Opportunity, established by the above Executive order, and as Administrator of General Services, I have pledged to cooperate to the fullest extent with the President's desire to end discrimination within the Federal Government. Accordingly, I expect every employee within GSA who has the authority to recruit, hire, promote, train, transfer, demote, separate, or fix compensation to carry out such responsibilities without regard to race, creed, color, or national origin of applicants or employees. To this end I have established a special staff in the Central Office to devote full time to implementing and coordinating, within GSA, the policies of the President's Committee on Equal Employment Opportunity. A Deputy Employment Policy Officer has also been designated in each regional office to aid in implementing this program.

Any aggrieved GSA employee or qualified applicant for employment who believes he or she has been discriminated against because of race, creed, color, or national origin has the opportunity to be heard. Complaints may be filed with the Deputy Employment Policy Officer of your region or the GSA Employment Policy Officer in the Central Office. These officers are also available to provide further information.

JOHN L. MOORE, *Administrator.*

Mr. ROSENFELD. In order to assist the regional offices with the implementation of the most recent rules and regulations and in order to discuss the most recent policy and thinking on nondiscrimination, a series of staff visits is being made by the nondiscrimination officer to all regional offices. To date, 9 of the 10 regions have been visited. During these visits individual conferences are held with GSA officials, and in many regions supervisors, for the purpose of discussing problems indigenous to the area.

GSA has also participated actively in the conferences of regional heads of Government agencies held by the President's Committee for the purpose of discussing recruitment of minorities, community relations, employment practices and future planning. To date, the agency has participated in such meetings in Atlanta, Nashville, Chicago, Los Angeles, St. Louis, Philadelphia, and New Orleans and will continue to participate in the future conferences which are to be held monthly. In addition to the local regional commissioners, personnel officers and deputy employment policy officers, the Administrator of GSA is being represented at these conferences by his nondiscrimination officer.

By way of instruction, a portion of each training course, usually one full class period, is being devoted to the subject of nondiscrimination in Government employment. This course of study encompasses

all grades from the highest supervisory level to the lowest blue-collar worker. Pilot periods of instruction conducted during the past few months indicate that there is an increasing interest on the part of supervisors to eliminate discrimination in Government employment and to cooperate in the program.

As a further indication of the progress made by GSA in its non-discrimination program, the following statistical information is submitted:

I might state here, sir, for the record, that the statistics which were furnished this morning are correct insofar as the top group of statistics are concerned. They are a copy of the statistics which we presented to the Subcabinet Group on Civil Rights of the White House and they were presented last spring in the head count made by all governmental agencies.

Now, the percentages in the lower half of the column are not GSA figures.

Now, in the spring of 1961, a report was submitted to the Subcabinet Group on Civil Rights which contained an actual head count of Negro employees within GSA at that time. Of the total GSA employment of 20,411, there were 10,506 Negroes.

A recent head count of Negro employees in certain GSA categories as of December 31, 1961, requested by the President's Committee and the Subcabinet Group on Civil Rights, presents an opportunity for comparison with the figures submitted last spring.

I believe, by the way, sir, these figures are significant in the light of some of the statements this morning.

In the grades GS-5 through GS-11 as of December 31, 1961, 385 Negroes had positions, compared to 318 positions held by Negroes in the spring of 1961, an increase of 67.

Mr. AYRES. Is that within your region?

Mr. ROSENFELD. That is GSA, countrywide, because the figures you gave me, the figures you presented and the figures which I said were correct are the GSA nationwide figures.

In the grades GS-12 and above as of December 31, 1961, 10 Negroes held positions, compared to 4 positions held by Negroes in the spring of 1961, increase of 6.

Considering the large percentage of Negro employees, there have been relatively few complaints involving discrimination by virtue of race, creed, color, or national origin. At the present time there are 15 complaints pending, of which 5 are simply awaiting final approval by the President's Committee of action taken by this agency.

The complaints which are the subject of this inquiry were forwarded to GSA on January 5, 1962, and are presently under investigation.

As Deputy Administrator of GSA during the spring and summer of 1961, I assisted in the formation and the promulgation of the policy of nondiscrimination within GSA, as set forth in this statement.

As Administrator, I heartily endorse the program and I have already taken an active part in the affairs of the President's Committee on Equal Employment Opportunity. I, as did my predecessor, pledge to cooperate to the fullest extent with the President's desire to end discrimination within the Federal Government.

Respectfully submitted.

BERNARD L. BOUTIN, *Administrator.*

Mr. GOODELL. At the outset, Mr. Rosenfeld, may I ask what your policy is with reference to Negroes who make complaints?

Mr. ROSENFELD. Yes, I can either answer it or have Mr. Dorsey, who is the employment policy officer, answer it.

I may go this far. If a Negro files a complaint, alleging discrimination by virtue of race, creed, color, or national origin, that complaint is investigated, if he files it in the regional area, by the Deputy Employment Policy Officer, or if he files it directly with the Employment Policy Officer, the Employment Policy investigates it.

Mr. DORSEY. Any complaint filed—it does not have to be by a Negro, we have had other complaints from individuals other than Negroes, because of race, creed, color, or national origin—eventually comes to my desk. If it is a case that is in our Atlanta regional area, it is forwarded to the Deputy Employment Policy Officer in Atlanta. If it looks as though it is one that needs to be investigated thoroughly, it is referred to our Compliance Division where we have professional investigators who go out and investigate the allegations.

The report of the investigation is then sent to the Deputy Employment Policy Officer of the region.

If it happens to be a case in the central office, it comes to me, and I will initiate the investigation by our Compliance Division.

In any case, a recommendation is made by our Regional Office that analyzes the findings, comes up with a recommendation, it comes to me, I analyze it and make a final determination as to whether or not discrimination is evident on the basis of the investigation and I write the report and make appropriate recommendations.

That report then is forwarded to the Administrator who then forwards it to the President's Committee and we forward a letter to the complainant stating the disposition that we have made of the particular case.

Mr. GOODELL. That is quite a ride those papers took.

I am concerned particularly with this aspect.

You recognize, I take it, that the only way you progress is through complaints and that there is no effort to punish or blackmark anybody who has made complaints along the line even if you should find in your opinion they are not justified in a certain sense.

Mr. DORSEY. No reprisals.

Mr. GOODELL. There are no subtle reprisals as well as direct reprisals? Will you give us that assurance?

Mr. DORSEY. I cannot personally give you that assurance.

Mr. ROSENFELD. I can say this, the Administrator said to me as recently as yesterday morning when we were finally going over his statement, that should he find anything like that or should anything be brought to his attention of any deliberate discrimination, he would take immediate remedial action within his power.

Mr. GOODELL. In other words, what you mean, to be fair, Mr. Dorsey, you mean that subtle reprisals may go on on a personal basis that you cannot control?

Mr. DORSEY. The individuals that you cannot control, you do not know what is in the mind of certain individuals.

Mr. GOODELL. You mean there will be no official subtle reprisals?

Mr. DORSEY. That is exactly correct. I feel confident that the Administrator, should I find cases of reprisals and call them to his attention, appropriate action will be taken by him.

Mr. GOODELL. If I understand your figures correctly, one third of the employees are Negro?

Mr. ROSENFELD. That is correct.

Mr. GOODELL. You say there are some 28 Negro employees in GS-8 or higher?

Mr. ROSENFELD. Looking at your figures. I have before me a copy of our official figures which have just been made up as of December 31. Now, the figures which were acquired by the President's committee encompassed grades GS-5 through grade GS-11.

Mr. GOODELL. Do you have one comparable to the ones we have, GS-8 or higher?

Mr. ROSENFELD. I have them here by grade.

Mr. GOODELL. Give us an idea of what GS-8 or higher is right now.

Mr. ROSENFELD. We will have to go through each one of the grades.

Mr. GOODELL. Why do you not have somebody do that while I continue to talk with you?

Mr. ROSENFELD. All right.

Mr. GOODELL. I am particularly impressed, maybe you want to go GS-10 or higher because you indicate that out of some almost 30,000 employees there are only 22 Negroes GS-10 or higher. This is as of the spring of 1961.

I would be interested in what you have now. Twenty-two in the spring of 1961.

Mr. PARKER. GS-10 or higher as of December 31?

Mr. GOODELL. Yes. That is a correct figure, I take it, 22, as of your spring survey were in GS-10 or higher?

Mr. ROSENFELD. That is correct.

Mr. GOODELL. I would like for the record what change there has been in that respect. Can you tell me what your recruitment policy is in GSA, particularly with reference to engineers?

Mr. ROSENFELD. Mr. Parker, the personnel officer of region 3 can answer for region 3 but not the central office or GSA.

Mr. GOODELL. You are not disavowing yourself from everything he says, are you?

Mr. ROSENFELD. No, sir, but as I said again, and I must reiterate, we came over here prepared to answer these particular allegations involving region 3.

Mr. GOODELL. Fine. I am interested in region 3.

Mr. ROSENFELD. All right, sir.

Mr. PARKER. What was the question again, Mr. Goodell?

Mr. GOODELL. What is your recruitment policy particularly for engineers?

Mr. PARKER. Since 1957, region 3 at that time established a training program. It is a training agreement by which engineers can come in the agency and receive accelerated promotion.

At that time—this was before my time—a selection was made of four schools. These four schools were VPI, VMI, University of Virginia, and University of Maryland. Those schools have been recruited at up through last spring with the exception of 1958 and 1959 at which time two trips were taken to Johns Hopkins in Baltimore. That school was dropped after 2 unsuccessful years with the school.

The VPI, VMI, University of Virginia, and University of Maryland were followed from 1957 on up through 1961.

As you recognize, in going to a school, by returning there, of course you get a reputation, you have employed people, you have more success as the years go on, you hope. This does not always happen. Sometimes the school will not appear fruitful and you change schools.

This summer in determining the schools to go to, we decided to change schools somewhat. We have made dates now with seven schools. This, by the way, is long before I ever knew of any such complaint for Mr. Dudley or Mr. Edmonson which, as you know, we received on January 5.

This year we are going to the University of Maryland; Howard University; State College of North Carolina, that is in Raleigh; Duke, at Durham, N.C.; University of Virginia again—as you see we continue with some of these schools—University of West Virginia, at Morgantown; and the University of Pittsburgh, in Pittsburgh, Pa. Two other schools in Pennsylvania were originally submitted and we have not established dates with them to date. That is the University of Pennsylvania and Pennsylvania State University, located in Philadelphia, and University Park, Pa., respectively.

The recruitment teams normally consist of a person from the personnel division, of which I am head, and an engineer from any one of the operating divisions, basically from the design and construction division, because that is where our engineers are located.

Mr. GOODELL. May I ask you if discrimination played any part in your choice of these schools?

Mr. PARKER. I do not know that I can tell you how these schools were selected.

I have had experience over 20 years in personnel and have had responsibility for college recruitment. I do not know how it was decided in 1957, sir.

Mr. GOODELL. Does anybody know who is in authority at that point?

Mr. PARKER. I would like to go on and tell you how I know it has been decided, the normal situation and factors involved. Usually what happens—it depends on what kind of person you are looking for, naturally.

Mr. GOODELL. I take it nobody here knows the answer to my question.

Mr. DAVIS. Mr. Goodell, we will be glad to furnish an answer for the record. Apparently none can give you a "yes" or "no" answer here. So we would prefer, if it is agreeable, to furnish an answer for the record.

Mr. GOODELL. I was interested in the fact that VMI and VPI were dropped because of discrimination, if you went to the University of Pittsburgh and some of the others because you know they do not discriminate there, that you would find qualified Negro applicants at these other schools.

So please relate your answer to that point.

Mr. PARKER. You said why we dropped VPI and VMI.

Mr. GOODELL. I take it you did from what you said.

Mr. PARKER. That is right. I can speak for the knowledge that I have of the reason. Let me tell you this. When we decide on what schools to go to, it is a cooperative efforts. Normally speaking, the professional people, professional area, this is their recruiting program. The Personnel Division as you know is a staff organization.

I received a memorandum from the head of Public Buildings Service in which is located Design and Construction and he indicated he wanted to change some schools this year, told me of the general requirements for this year, and also suggested the schools to go to.

I do not think it was ever discussed as to why we dropped so and so and so and so. I know we have gotten a number of graduates from VPI.

I think many times in changing schools the general thought—and I am only saying this myself; I do not know what was sought when the actual new list was made up—was that many times in terms of

schools, curriculum, and students, you do not like to get topheavy from one school. You like to have across-the-board experience from a number of schools.

Mr. GOODELL. I recognize there are lots of considerations in this.

Would you favor a policy—and I will ask Mr. Rosenfeld this—of refusing to recruit from schools that are segregated?

Mr. ROSENFELD. Are you asking me personally, would I refuse to recruit from schools that are segregated?

I personally would refuse but I cannot speak for GSA on that.

Mr. GOODELL. To your knowledge, there is no such policy in GSA now?

Mr. ROSENFELD. I would not know and I do not think there is any such policy. I mean there is no such policy of determining whether they are going to a school that is segregated or not. I think that is up to the personnel people. I am in no position to say.

Mr. GOODELL. You certainly would know if there was such a policy?

Mr. ROSENFELD. I would know.

Mr. GOODELL. But there is no such policy now?

Mr. ROSENFELD. Well, not that I know of.

Mr. GOODELL. You left the final conclusion to me, you would know if there was such a policy and you do not have it, therefore, I will conclude there is no such policy.

Mr. ROSENFELD. I am not trying to beat around the bush. I have been out in the field. I am in another area.

I am in no position to state the policy of GSA on that.

I think anything connected with discrimination I might find out about, yes.

Mr. GOODELL. It seems to me this might be considered.

We have a situation where the Federal Government today, I think, properly is utilizing all of its relationships with the general public to try to break down discrimination and segregation. This is very comparable to Government contracts where we do not want to be dealing with anybody that discriminates.

Now, if you are recruiting from universities that discriminate, I think this is a little bit of pressure that could be applied. You might give it consideration.

You indicated Howard. Have you been to Howard University?

Mr. PARKER. Not this year. The date is for February 13, 1962.

Mr. GOODELL. In other words, the first visit to be made to Howard University to recruit will be in February 1962?

Mr. PARKER. That is right. As a matter of fact, it is the first time we have recruited any colleges located in the District of Columbia.

Mr. GOODELL. This is region 3, which includes the District of Columbia?

Mr. PARKER. That is right.

Mr. GOODELL. They have never thought to recruit from the outstanding Negro university in this area?

Mr. PARKER. Let me add this so far as schools are concerned—and I think I have found this is my past experience as well as my short experience in GSA—particularly in the Nation's Capital there are lots of schools—George Washington University, American University, Catholic University, Georgetown—some of which do not have engineering schools, others which do. Generally speaking, I think that

because of the setting of these schools, they are located at the seat of the government and most of the students that desire to work for the Government know enough about the wherewithal as to how to get a position with the Government.

I was looking over the figures this morning. Of the total number of people, engineers, who have entered our training program, we have not recruited at George Washington and we have not recruited at Howard. We have had one graduate that we have in the program from Howard. We have a number of graduates from George Washington. We have never recruited there personally but these people have come and entered our training program.

Mr. GOODELL. Mr. Parker, as a civil rights advocate here, I have no sympathy at all with hiring Negroes just because they are Negroes if they are not qualified for the jobs. But we always get the answer back that they are not qualified.

It is incumbent upon those who want to advance the cause that they go seek the Negroes who are qualified for these jobs.

I can well understand your feeling perhaps about George Washington and Georgetown and the rest of them, but I am a little bit baffled, if we have an aggressive imaginative program to try to offer opportunities to Negroes in our society who are having difficulty in trying to find opportunities at higher level, why you have not gone to Howard unless there has been some decision they do not produce competent engineers or other graduates.

Do you know of any such decision along that line? Does this policy of not going to Howard University to recruit apply across the board to other positions as well as engineering?

Mr. PARKER. First of all, I know of no policy not to go to Howard University.

Mr. GOODELL. You are striking a very fine point. Have you recruited at Howard University for any other positions?

Mr. PARKER. No, not to my knowledge. The basic college recruitment is for engineers and we have not prior to this time. Now, we have people who come in through our FC program, which is a program though not necessarily personnel visits but informational visits that people do come and arrive on civil service registers from which they go into training programs.

Mr. GOODELL. I would like to request of the presiding officer here, Mr. Chairman, that we let these gentlemen check on some of the figures that we would like to have with respect to this and we will take this to the full committee and perhaps invite them back.

I am particularly interested in the figure as to what percentage of your employees at the GS-8 or higher level are Negro.

Mr. ROSENFELD. I can tell you that.

Mr. GOODELL. If you have a thousand white or Negro or other race employees at GS-8 or above, what percentage of your GS-8 or above employees are Negro?

Do you understand what I am asking for?

Mr. ROSENFELD. Yes.

Mr. GOODELL. Do you have the figure?

Mr. ROSENFELD. We will be glad to submit the figure.

Mr. DORSEY. As of what date?

Mr. GOODELL. As of the latest record, whatever it be.

Mr. ROSENFELD. Unfortunately, sir, our breakdown is made according to the head count which we had to take for the two separate executive committees.

One was 5 through 11, and 12 and above. We have that breakdown of course, and it is the one I quoted to you. We could take the figures from that and submit them to you whenever you wish, sometime this afternoon.

Mr. GOODELL. That will be fine.

You came prepared for something that we have not asked you yet. Apparently it was your own preparation.

Do you have any comments on the Edmonson and Dudley cases?

Mr. ROSENFELD. Mr. Cromwell, who was asked to appear here because he is the supervisor of that particular area, is prepared to answer any questions you might wish to ask on that.

Mr. GOODELL. I would like to ask if there are any general comments you have. You heard the testimony here, I take it?

Mr. CROMWELL. There are several general statements that can be made.

No. 1 is that this training program that we have does not necessarily mean that when a person has gone through the training program that he is going to naturally continue to rise in grade. This is not only true in the case that we have before us but also with many other men that I have working for me who have gone through this training program. They think that when they have spent a year at 11 that they should automatically go to a 12.

Now, I have a ceiling, as you well know. I have only a certain number of jobs within my office. The GS-11 is the working level where we expect to get the real return.

Mr. GOODELL. May I ask: Mr. Dudley and Mr. Edmonson both worked under you?

Mr. CROMWELL. Edmonson works under me now. Mr. Dudley did. Some of the statements in here, I think, were made because they had not delved far enough into the whole problem that they have, the problem that D. & C. has. They have spoken about the No. 1 item of not recruiting within the District. I think that has been cleared up.

We have not recruited in the District before because we feel that the colleges here know their way around in the Government.

Mr. GOODELL. Apparently, as a side comment, there is no longer a feeling that they know their way around here. There is a change in policy, you are going to recruit them now?

Mr. CROMWELL. Yes.

Mr. ROSENFELD. That is part of the affirmative action which GSA has taken to try to overcome any thoughts of discrimination on the part of the agency.

Mr. GOODELL. I asked the question before; that is, you are orienting the recruitment policy to the question of discrimination?

Mr. ROSENFELD. I did not interpret your question at that time as being that. The larger recruiting is certainly a part of our affirmative action. If I misunderstood the question before, please excuse me.

Mr. GOODELL. I asked a general question and then later asked a negative question, if you excluded the colleges that discriminated.

Mr. CROMWELL. The statement here that the Negroes hired were never permitted to go into other branches of D. & C. even though they may have made a request, I do not know of any such request. I did have an air-conditioning engineer whom I placed in our R. & I. construction branch for a period of 90 days to help out on some work because that particular branch did not have sufficient help.

The third allegation that Negro engineers have failed to obtain raises while others did receive them, as I have said to these gentlemen before, you have to be in the right place at the right time under the right conditions.

We have, as I said, a certain ratio within the ceiling that I have. One structural engineer should be able to take care of five architects. One mechanical engineer should be able to take care of three architects. This is the ratio we have to work on. And I have more structural men than I actually need at the moment. I am not getting rid of any of them because they are going to be too dear to us one of these days. If I had more—

Mr. AYRES. I might add at the rate you are building Federal buildings around here, you are going to need a lot of them.

Mr. CROMWELL. Yes, sir. If I have more than I need I certainly cannot promote anybody because I have all of my slots filled at the moment. However, in my architectural section, I am sorely in need of people. Therefore, I hire when I can. I promote when I can. I will do that in any section. I do not care what section it is or what color the person may be.

The statement that we will not let Negro engineers go out on trips is a complete fallacy. The one statement made in here where the man was refused a trip to West Virginia, he did not know the entire story. This was an extension and remodeling of the Bluefield, W. Va., post office. The extension was equally as large as the existing building.

When I received orders to make this extension, I got it from the central office with a pretty big rush on it.

I made up a crew to go out and investigate the conditions at the building. They gathered information on this initial survey which enabled them to prepare the drawings and specifications.

When the drawings and specifications were nearing completion, I asked that the crew go out and doublecheck on their work.

It so happened on the initial trip Mr. Harmison, who is an air-conditioning engineer, made the trip. He had made some earlier studies on the job. And he was working on the development of the contract working drawings and specifications.

When I asked for the final trip, for the final check trip to go out, the Chief of the air-conditioning section appointed Mr. Shipp and I reversed him on this because I saw no reason for entering a new person in on a trip that had been gone through by someone else in his section before.

Mr. Shipp came to me and made his complaint. Now, this is the only complaint that I have ever received from a Negro in my employ.

Mr. AYRES. Mr. Cromwell, I think, in view of the fact that the witnesses who had the complaints were subpoenaed and submitted sworn statements, that you certainly are entitled to answer those in detail and it is my understanding that you had not seen those sworn

statements until this morning, as a matter of fact until you sat down at the table.

Mr. ROSENFELD. I do not think Mr. Cromwell has seen them yet.

Mr. PARKER. He is now going to see them.

Mr. AYRES. This is a rather unusual manner in which to conduct a hearing. So I am going to move as chairman, if my colleague will vote with me, that we adjourn this hearing and ask you to prepare a detailed answer to the charges sworn to before the committee this morning. I will check with the chairman of the subcommittee and tell him that we voted to invite you back.

You have already received some questions from Mr. Goodell?

Mr. ROSENFELD. I can answer some of those questions now.

Mr. AYRES. I think it would be well if you can file complete answers to the questions that have been asked.

Also, when you are called back, I would like to know the average length of service of the Negroes that are employed in the GSA and also the number of Negroes that have been employed since February 1, 1961.

Mr. ROSENFELD. May I hear the last part of your question?

Mr. AYRES. The number of Negroes that have been employed in GSA since February 1, 1961, we will say to January 1, 1962.

Mr. DORSEY. Nationwide?

Mr. AYRES. Yes. Those are the figures that you have submitted to us.

Mr. ROSENFELD. May I ask one question, please, sir?

The head count which we had to make in the spring of 1961—it had to be done by actual head count, you understand, and not by record—was made sometime during the months of January and February and probably March. They are the figures which we have to start with.

Is that good enough, because that is official, that is the set of figures that you have up there and which your general chairman presented.

Mr. AYRES. In other words, there is no record as GSA as to who is Negro?

Mr. ROSENFELD. No, sir. And we are not allowed to keep them.

Mr. AYRES. I do not think we want any counting.

Mr. ROSENFELD. We do have a head count in certain categories which were requested by the President's Committee and the sub-cabinet group as of December 31. They are the figures I submitted in Mr. Boutin's statement. You already have the head count which was conducted last spring. That is why I say it is an impossibility for us to give you such a count.

Mr. AYRES. Well, you may disregard my request. I was trying to get at whether or not employees had been employed in larger numbers recently than they had been over a period of time.

Mr. ROSENFELD. You see, we cannot tell that except by a head count.

Mr. AYRES. Then it will be rather difficult for you to determine their length of service.

Mr. ROSENFELD. That is right, unless you know them personally.

Mr. AYRES. That information we just cannot get.

Mr. PARKER. Might I interject concerning making counts and coming up with statistics in this area, the personnel shop, it always falls on its hand to do this. It is a very difficult situation. The figures we

get, we can only say they are close to being accurate because we have to go to the operating people who are down low enough in the situation so that they know the employees individually and can tell us their race. We have no way of knowing. We cannot tell within the personnel shop.

Mr. AYRES. There is one other thing you might be prepared to discuss with us. This has come up in the hearing before and will continue to come up. That is the question of whether or not there is discrimination as to race or age or sex or any other manner by which they may be discriminated against, or is it a question of qualification? And since the complaint has been raised and filed with the President's Committee on the basis he was discriminated against because of race, I think it would be well if you could outline to the committee the qualifications of this particular gentleman in comparison to those who were promoted ahead of him.

Could that be done?

Mr. DORSEY. Mr. Edmonson, the one who is still abroad GSA?

Mr. AYRES. Yes.

Mr. DORSEY. Against any promotions that were made in what span of time?

Mr. DAVIS. During his employment.

Mr. DORSEY. Or since he was eligible? You have to wait a year to be promoted.

Mr. AYRES. If you covered the last 2 years that would make it.

What I am trying to get at is that you have promoted men to higher grades that had previously the same classification as Mr. Edmonson.

Mr. CROMWELL. Not in the same category.

Mr. ROSENFELD. If that is a fact.

Mr. GOODELL. I second your motion, Mr. Chairman, and move its adoption by acclamation.

Mr. AYRES. The letter from Western Electric Co. may go in the record.

(The letter referred to follows:)

STATEMENT BY WESTERN ELECTRIC CO.

It has been the policy of the Western Electric Co. to hire and advance employees on the basis of qualifications and without regard to race, creed, color, or national origin. In all, Western Electric today employs approximately 6,000 non-white employees throughout the country. They are found in unskilled, semi-skilled, skilled, technical, clerical, and professional occupations. These employees have been and are currently being hired, trained, and upgraded under the company's established policies and practices.

This policy was reaffirmed in July 1961, when Western Electric, in voluntary cooperation with President Kennedy's Committee on Equal Employment Opportunity was among the first companies to set forth its policy in detail in the form of a Plan for Progress, which was then signed as a joint statement with the President's Committee.

Western Electric's management recognizes the obligation of private industry to work actively and positively toward the goal of equal opportunity for all Americans. Its views were well stated in a speech President H. I. Romnes delivered at the annual meeting of the Chamber of Commerce and Associated Industries of Arkansas on November 8, 1961, in Little Rock, Ark.

"Equal opportunity is a fine phrase. Making it come true is an arduous, sometimes painful process. But there are many good reasons why management needs now to demonstrate not merely good faith but practical initiative in support of this basic American tenet. The good opinion of the world is only one of them. A

more compelling one is that prejudice breeds waste, the most tragic kind of waste, the waste of human resources. But in the final analysis there is one reason above all others for giving our best management attention to making equal opportunity come true—and that is because it is right."

At Western Electric's Dallas distributing house mentioned in today's testimony, 21 out of a total of 314 employees are nonwhites. These nonwhite persons are employed in shop, warehouse, and service occupations. On January 15 the plans Mr. Laws mentioned for subcontracting custodial work went into effect and seven nonwhite employees previously engaged in this work were transferred into shop and warehouse jobs which provide the bulk of the promotion opportunities in the Dallas distributing house.

Mr. AYRES. We stand adjourned to the call of the Chair.

(Whereupon, at 12:40 p.m., the subcommittee adjourned, subject to the call of the Chair.)

EQUAL EMPLOYMENT OPPORTUNITY

WEDNESDAY, JANUARY 17, 1962

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR.

Washington, D.C.

The subcommittee met at 9:45 a.m., pursuant to adjournment, in room 429, Old House Office Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Powell (chairman of the full committee), Roosevelt, Dent, Pucinski, Smith, Ayres, Goodell, and Hiestand.

Also present: Don Lowe, subcommittee director; Adrienne Fields, subcommittee clerk; Richard Burruss, minority clerk, Committee on Education and Labor; Leon Abramson, assistant counsel, investigative task force, Committee on Education and Labor; and Tamara Wall, assistant counsel, Committee on Education and Labor.

Mr. ROOSEVELT. May we come to order, please.

Before we call our first witness this morning, I want to make a very brief statement.

Comment has been made on the obvious omission in our lineup of witnesses as to the absence of a spokesman from management. I would like to take this occasion to say that this omission does not result from lack of effort on the part of the subcommittee. Invitations to testify were issued to the National Chamber of Commerce, the National Association of Manufacturers, and to the National Management Association. The last organization, we were informed, is prohibited by charter from expressing opinions upon legislation. The other two organizations, however, pleaded lack of time, more pressing affairs and no particular position upon the proposed legislation.

Speaking individually, of course, I am disappointed—I could use a stronger word, even appalled—that the two prime spokesmen groups for organized management have not thought this subject, crucial to our whole way of life, important enough to form an opinion about it or to express an opinion upon. Even at this late date, I would hope that it would be possible for these organizations to reconsider their position and I am sure the subcommittee would welcome a statement from them if they do not wish to appear in person.

The committee this morning has the pleasure of calling as its first witness, Mr. A. Philip Randolph, vice president of the AFL-CIO, president of the Brotherhood of Sleeping Car Porters, president of the Negro American Labor Council.

Mr. Randolph, as an old friend and someone who has admired your work for many years, may I say as chairman of the subcommittee I am delighted to have you before us. We have admired the position you have had over the years and the efforts you have made.

We know you will make a significant contribution to the testimony.

STATEMENT OF A. PHILIP RANDOLPH, INTERNATIONAL PRESIDENT, BROTHERHOOD OF SLEEPING CAR PORTERS; AND NATIONAL PRESIDENT, NEGRO AMERICAN LABOR COUNCIL

Mr. RANDOLPH. Thank you, Mr. Chairman. It is a pleasure indeed to have the opportunity to present a statement to this committee on the principle of fair employment practice.

The God-given right of every worker to earn his bread by the sweat of his brow is the main objective of the principle of fair employment practice. However, it is necessary that some on-going agency that has a Federal statutory base be in existence in order to give reality to this principle.

It is an interesting coincidence, Mr. Roosevelt, that you are presiding over this question at this time because it was during the presidency of your illustrious father when this principle and idea of fair employment practice was first presented to the American people.

The big, central, commanding fact of our times is not the technological revolution for control over space through sputniks or moon satellites, but the revolution of man for the rights of man, or the revolution for human rights.

Among two-thirds of the population of the world, the revolution of human rights is symbolized by the fires of nationalist revolts sweeping over Africa and Asia against colonialism and racialism. In America, the world revolution for human rights takes the form of the civil rights revolution, or the revolt against second-class citizenship in trade unions, industry, and government and a bold affirmation of the status of first-class citizenship for every citizen, regardless of race, color, religion, national origin or ancestry.

It is evident that the Negro slave was the central factor of the Civil War revolution. By the same token, the struggle to effect the transformation of the freedman into a free worker and a free peasant-proprietor and citizen, by seeking to complete an incompleting revolution, is the central causal factor today of the civil rights revolution. Because freedom is indivisible, white workers can never achieve full freedom until all workers, black and white, Jew and Gentile, Protestant and Catholic, achieve full freedom.

Exploiters of black labor are also exploiters of white labor. Exploiters of workers make no distinction with respect to race, color, or religion, except with a view to affecting the division of workers since the object of exploitation of labor is profit. The exploitation of workers provoke resistance. Resistance is strong or weak according as the workers lack of organization, or that their organization is strong or weak. If black and white workers are divided by color bias both will be the victims of economic oppression since both will be weak.

Only a strong labor organization is the answer to labor exploitation. A labor organization can only be strong if it brings within its folds all workers in the trade or craft, class or industry. This is a

basic lesson the American trade union movement has yet fully to learn. The price organized labor pays for the failure to learn this lesson of the unity of workers is evident by the present plight of labor in the South.

Every single campaign to organize the workers into trade unions in the south, either by the AFL or the CIO, or by the united labor movement, the AFL-CIO, has been an utter and miserable failure. The failure was not due to the lack of financial resources. It was not due to a lack of organizing personnel. It was not due to the lack of organizational know-how.

Failure was due to fear and frustration; a lack of faith and fortitude when faced with the problem of race—a fierce fact of life in the South. Failure was due to a compromise with racialism as a policy of trade union opportunism. Organized labor had no faith in its own cause. White and black workers in the South had no faith in organized labor.

The heart of the problem of trade union organization in the South is racial segregation and discrimination. These southern racial mores which block the progress of union organization highlight the fallacy of the policy of racially segregated unions. We cannot too forcefully emphasize the fact that racially segregated local unions of a national or international union are just as morally unjustifiable and organizationally indefensible as racially segregated public schools, housing, recreation, or transportation. They not only subject workers of color to humiliation but, in some instances, to certain forms of exploitation.

For instance, some racially segregated local auxiliary unions possess no local autonomy comparable to the average local union but are guided, supervised and regulated by the nearest white local union of the national or international union. These auxiliary unions do not have the right and privilege to express opinion about, or exercise influence upon, the basic policies of the national union that affect the life, work, wages, and living of the members of these segregated local unions.

It is also clear that a racially segregated union operates at an economic disadvantage to its members. This obtains as a result of separate lines of job progression. The racially segregated lines wind up in an industrial blind alley where promotion and upgrading are impossible. This is, undoubtedly, at the bottom of the fact that quite infrequently will a Negro worker in a factory, mine, mill, merchandising establishment, or even the Government, rise to a supervisory position. Moreover, racially segregated local unions lack contact or influence with the mainstream of employment opportunities.

It is a known fact that the salary differential of colored and white teachers in the South was, and is, the direct outgrowth of racially segregated schools. Although, as a result of court action, equalization of white and colored teachers' salaries have been theoretically established, I am informed that salary differentials between white and colored teachers still obtain in a large number of areas in the South because of the absence of any agency to enforce an equalization salary plan for white and black teachers.

Employers have profited from a racial wage differential. While Negro workers' wages, as a rule, are lower than wages of white workers

performing the same work, the wages of many white workers too are lower than the wages of workers performing the same work in areas under trade union organization. White workers in the South suffer from a substandard wage for service in a given craft, class, or industry because of a lack of strong trade union collective bargaining power, resulting from the division of labor upon a basis of race.

On the railroads colored locomotive firemen are rejected as members of the white firemen's union.

In 1941 the Brotherhood of Locomotive Firemen and Enginemen negotiated an agreement with the Southeastern Carriers' Conference Committee which contained a "nonpromotability" clause. This clause provided that no worker could be eligible for employment as a locomotive firemen unless he was also eligible for promotion from locomotive firemen to the class of locomotive engineer.

Such a contract, if valid, would result in the automatic elimination of Negroes as locomotive firemen because in the South, where Negroes have been employed as locomotive firemen, a locomotive engineer is recognized as a "white man's job." But, as a result of Supreme Court decisions in the *Tunstall*, *Steele*, and *Graham* cases, this agreement was knocked out. Today, Negro workers may become locomotive firemen and if they pass the examination are eligible to become locomotive engineers, even though not employable because of a long line of furloughed engineers.

There exists a seniority differential of doubtful advantage to colored locomotive firemen. Because of longer service, Negro railroad firemen, as a rule, possess a higher seniority than white locomotive firemen on southern roads. Negro firemen were the rule when the job required hard, backbreaking shoveling of coal into a blazing-hot engine. However, the colored locomotive firemen, because of racial discrimination, are confined to one seniority roster—locomotive firemen; whereas the white locomotive firemen, who have always been promotable to the job of locomotive enginemen, have rights on three seniority rosters—locomotive firemen, locomotive enginemen, and hostler helpers.

Thus, if a locomotive engineer is furloughed he may bid and bump in on jobs under the roster of locomotive firemen. If, as a result of reduction of forces among locomotive firemen, he is furloughed, he may bid and bump in on a job as hostler helper. This is not true of a colored locomotive fireman. Here, then is an instance of the evil of racially segregated lines of job progression and union membership bias.

It is significant and important to observe in this connection that Negro railway workers, who had constituted the largest number of workers in any American industry, are rapidly passing out of the operating departments of the industry. I refer to the jobs of locomotive firemen, brakemen, flagmen, and switchmen. In the South today, most of the railway yards have been practically transformed from black to white, in terms of employees.

On the Atlantic Coast Line, Seaboard Air Line, Louisville & Nashville, and practically all southern railroads, colored locomotive firemen who, when the work was hard and the pay was low, constituted 80 percent, more or less, of the work force, now represent less than 10 percent. Among the switchmen, brakemen, and flagmen there

have been comparable losses on the part of Negro railroad workers.

The reason for the loss of jobs by Negro railroad workers is the lily-white, anti-Negro policy of the Big Four railway unions, and also the fact that when a Negro worker in the operating department of the railroads is fired, dies, or retires, no Negro is employed in his place. It is evident that it is only a matter of time before the operating area of the railroad industry will be completely lily white unless some change in the hiring policy of railroads, in relation to Negroes with jobs in the operating department, can be effected.

Because of race bias in trade unions, industry, and government, the rate of unemployment of Negro workers is twice as high as the rate of unemployment of workers nationally.

While Secretary of Labor Goldberg has indicated that the unemployment rate in March 1961 was 7 percent, the rate of unemployment among Negro workers was 20 percent and, in some areas, higher than this figure. The basic reason for this, in addition to the causal economic factors at the back of unemployment generally, is the fact that Negro workers are the first fired and the last hired. Thus, Negroes will continue to constitute an alarmingly larger section of the chronically unemployed or a part of the structured unemployment of our economy unless the Federal equality of opportunity in employment bill proposed by your committee is enacted into law.

This plight of the Negro workers is certain to grow worse with the march of radical technology, or the automation revolution. This adverse economic position of Negro workers, as reflected in a disproportionate number of Negro workers on relief in the various metropolitan sections of the Nation, tends to divert this mass of workers into a sort of black laboring mass slum ghetto. This is a condition which is not only harmful to Negro workers and their families but to all workers, as well as the national community as a whole. In fact, it is difficult to see how a first-class nation with second-class citizens, such as the United States, can continue to serve as the moral leader of the free world.

Employers have historically engaged in the denial of equal employment opportunities to Negro workers by practicing discrimination in hiring and upgrading. The cases are legion where Negroes with qualifications equal to whites, if not superior, have been denied employment simply because of racist bigotry.

Where employers have not totally excluded Negro workers from employment, tokenism is frequently found. By employing a few Negroes, employers pretend that there is no discrimination. Frequently, Negroes are not upgraded because of a color bar in the employer's firm. Just as frequently, Negro workers come to rest in dead-end jobs. Finally, where Negro workers are unorganized, they receive lower pay than whites for the same job.

The rationalizations used by employers to justify discrimination practices are clearly unsound and basically harmful to the economic well-being of the entire country. By denying an equal and adequate measure of job opportunity to Negro workers, the general standard of living for all workers is lowered and society as a whole suffers. Therefore, the eradication of all traces of the color bar in employment is urgently necessary, not only for the well-being and economic security of Negroes, but also for general economic growth and stability of the American economy.

As I previously stated to the House Committee on Education and Labor, it is an understatement to observe that the elimination of racial discrimination from unions, industry and Government and, especially, from all apprenticeship training programs involves the economic life and death of the black laboring masses. This is so for the following reasons:

(1) The relatively small number of skilled Negro workers in the Nation.

(2) Racial barriers to participation in apprenticeship programs.

(3) The concentration of disproportionately large numbers of Negro workers in the categories of unskilled workers.

(4) The phenomenal pace of the automation revolution which is changing the work force and the work tools, the result of which is the decrease in demand for the unskilled worker.

Now, relative to the first proposition; namely, the relatively small number of Negro artisans in American industry, it is a matter of common knowledge that there is a disproportionate and alarming decline in the number of Negroes in the skilled trades between 1920 and 1950, especially in the building trades where the Negro was once relatively fairly well represented in the South, and where the total number of mechanics has increased.

According to census reports, in nine Southern States, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee and Virginia, the percentage of Negro carpenters enumerated in these States declined from 23.2 percent in 1920 to 10 percent in 1950. Painters declined from 25.3 percent in 1920 to 13.8 percent in 1950. Bricklayers decreased from 54.7 percent to 37.5 percent. Plasterers, formerly heavily representative of the Negro, diminished from 66.5 percent in 1920 to 57.9 percent in 1950.

It is useless to extend the list. The above indicated status of the black skilled artisans is a fair sample of the changing position of the Negro in the building trades in the South. In this instance, the decline represents a grave threat to their economic progress and to the economic progress of the country.

It is because of this serious situation that the subject of apprenticeship training takes on such timely significance. Obviously, unless newly trained Negro artisans in relatively large numbers enter the work force it will be only a matter of a short time when skilled Negro workers will disappear from the building construction occupations of the country.

What about our second issue, racial barriers to Negro workers' participation in apprenticeship training programs?

While it is a grave indictment of the building trades unions, yet no one denies that less than 1 percent of the apprentices of the building trades are Negroes. Even in New York State, perhaps the most liberal, racially, in the country, only 2 percent of the apprentices are Negroes.

Third, how significant is the concentration of a disproportionately large number of Negro workers in the category of unskilled?

The answer is that one of the major reasons for the grim fact that the rate of unemployment of Negroes is twice, or more, the national rate of white workers is that unskilled workers are not only the first fired and the last hired, but also the first to be liquidated by radical technological advances.

Hence, the acquisition of skills by Negro workers in apprenticeship training programs is a *sine qua non* to their survival and progress in the new industrial world of automation.

Furthermore, because Negro workers are trapped in the "no man's land" of the unskilled, they constitute the hard core of joblessness, which means that these workers remain unemployed during depressions, recessions, booms, inflation and deflation; during cyclical, seasonal, residual, technological, ethical and economic maladjustments of the economy.

Verily, there is a large segment of black slum proletariat, untrained, largely the product of race bias, caught up among the structured unemployed and unemployable and, probably, untrainable.

It is important to note that the phenomenal pace of the revolution of automation is not only changing the work force and the work tools that unskilled Negro workers cannot use, but it is also raising the productivity level and reducing the work force, which is certain to precipitate sharp and bitter competition not only between black and white workers for a decreasing number of jobs, but also competition among white workers and competition among black workers, as well as competition between women and men workers for the same jobs. And of course, the automation revolution will bring about a decreasing demand for the unskilled blue-jean worker, which hits the black laboring masses.

Legislation, as suggested by your committee, in the form of a Federal equal employment opportunity law, is definitely essential to enable Negro workers to break through the institutionalized racial barriers in apprenticeship training courses to new and broader opportunities of employment.

A pressing and fundamental condition for the expansion of plans to embrace Negro workers in all forms of apprenticeship training programs is an inevitable movement toward a population explosion.

Projections of estimates by the U.S. Department of Labor and other economic, sociopolitical agencies indicate that by 1970 the population of the country will range around 208 million. This, of course, will require a vast increase in the consumption of goods and services which will necessitate a tremendous increase in the gross national product, the production of which can only be achieved by expanding the work force of skilled artisans.

The New York State Department of Labor indicates, in a survey of jobs in 1960 and 1970, that 46,000 additional craftsmen will be needed annually if the State's needs for skilled workers in the 1960's are to be satisfied. A comparable need of craftsmen exists in practically every State in the Union, but Negro workers will be practically completely excluded from apprenticeship training programs in the States of the South. Thus, apprenticeship training is a definite source of economic security for the workers.

Now, job entry is a letter of introduction to a craft or trade. Where job entry is dependent upon apprenticeship and the latter is artificially controlled to keep out or to limit the number admitted from certain ethnic groups, it means a denial or restriction of the number who may expect to get on-the-job training. The latter is tantamount to denial of craftsman's status. The closure, or circumscription of craftsman's status, forces persons refused apprenticeship training to

seek job entry in low occupational jobs. Ultimately, persons forced into jobs with low occupational and economic status are faced with little economic security. Vocational schooling, unless linked with on-the-job training, is time wasted in such trades as printing, building, cutters in the needle trades, et cetera.

One such group faced with this problem is the Negro. In the 1960 report of the U.S. Department of Labor entitled, "The Economic Situation of Negroes in the United States," Secretary Mitchell states: "Negro skill rates remain disproportionately low and, as a result, Negro unemployment rates are disproportionately high. The 1959 averages reveal a level of 4.6 percent for whites, but 11.5 percent for non-whites. Negro participation in apprenticeship training is still far too low."

The general picture outlined by Mr. Mitchell does not really go to the heart of the matter because in particular trades, as the building trades, not only has Negro participation in apprenticeship training programs been almost nil, but the Negro has been losing ground in many of these trades, which have traditionally been his, in the South. Thus, we are confronted with a dual problem. No. 1, the Negro is losing ground in many trades where he has held high representation. No. 2, one avenue of replacement, the apprenticeship training program, is excluding him.

To deal with the question of apprenticeship we must deal first with the question—what is the employment outlook in the various trades?

The total volume of employment at any particular time is related to the volume of spending, both private and public. We know that regardless of the level of employment our population is increasing, which means that the demand for housing will increase. When we add to the private sector's needs, redevelopment programs, slum clearance, et cetera, the need for skilled mechanics will be great.

Of equal importance is the fact that construction occurs everywhere. This means that employment opportunities will be present everywhere, varying from city to city and from trade to trade. The number of workers to be hired will necessarily be greatest where the greatest amount of construction is going on—the larger cities and in those parts of the country in an active stage of industrial development and population growth. However, in the older sections of the country where construction activity seems unlikely, new workers will be needed to replace those leaving the labor force. It should be noted that in the older sections of the country redevelopment programs have added a new spurt to construction activity.

In addition, prospects for workers of all ages are excellent in the building trades, unlike manufacturing where young workers are preferred for certain jobs and older workers for others. The building trades may be called lifetime occupations, since a workman can keep his skill and continue to find employment at a greater age than in many other industries.

Various studies reveal that the trade is losing more workers than is being replaced. The most effective manner in which skilled manpower may be added is through the apprenticeship program; thus, there should be thousands of opportunities for boys interested in the building trades, Negroes as well as whites. But we know that this is not so. Discrimination and race prejudice have prevented the

entrance of Negroes into the building trades. In many instances it has been through exclusion from unions either by a "white only" clause, tacit consent, or preference given to white journeymen; in other instances the Negro has been excluded from the job by the employer.

On the whole, opportunities for Negroes have been best in plastering and bricklaying, and the poorest in the mechanical trades—electrical work, plumbing and pipefitting, operating cranes, and other related work.

Even where the Negro has acquired the necessary skill in one of the crafts, union exclusion presents a major handicap since most of the new construction is done under union contract. It is particularly severe for the applicant interested in apprenticeship training, but in spite of this and other handicaps a limited number of Negroes desiring to enter the building trades have been able to do so through informal on-the-job training and training in nonunion apprenticeships. Also, a few journeymen have picked up their trades by working as helpers for several years. This is the case in many southern areas where a Negro employed as a helper may do the full job under the supervision of a white journeyman who serves as a foreman. The accepted method of receiving training for all the building trades, however, is through registered apprenticeship.

Since the organized labor movement is a basic factor in giving reality and integrity to any fair employment and apprenticeship training program, I was pleased to note from a previous statement of George Meany, president of the AFL-CIO, which was presented to the Committee on Education and Labor, that he supported the bill on an apprenticeship training program and has also gone on record for a Federal FEPC.

I would like to make the following recommendations for achieving greater equality of employment opportunity and optimum utilization of minority manpower throughout the economy.

1. Federal fair employment practice legislation such as that proposed by this Special Subcommittee on Labor.

2. Reduction of the indenturing term for the graduation of a journeyman craftsman. The present term of indenturing apprentices harks back to the old medieval guilds that sharply restricted entry into the craft guilds. These restrictions are retained and maintained for job monopoly by the craft unions. This is not objectionable as long as the unions are open and as long as they, in turn, keep and maintain occupations and jobs open.

3. Abolish father and son system of designating candidates as apprentices for training programs.

Mr. Chairman, as a matter of immediate interest, I am wondering whether this committee could make it its concern to inquire into the hiring policies of the construction of the New House Office Building which I understand is in the process of going up. In other words, the plumbers, the electrical workers, the pipefitters, the carpenters, the bricklayers, and so forth. To what extent are Negroes being used in the construction of this New House Office Building? And is it beyond the purview of this committee to exercise some official concern about it so as to give some momentum to the use of Negro labor?

Mr. ROOSEVELT. Mr. Randolph, I will be happy to answer your question.

First, may I just say that I think you have made an excellent contribution and I am particularly happy that you have laid emphasis on the manpower utilization aspect of the entire problem.

While I agree there is a tremendous moral right at stake here, there are those, I think, who are inclined to overlook the fact that it is equally important to our country if we are to succeed in the struggle in which we are entered. This legislation can be looked upon as a full manpower utilization bill as much as anything else.

In answer to your question, there are several problems involved.

One, the construction of course is being done by the House under supervision of a particular committee appointed by the Speaker. This would seem to take it out of our jurisdiction.

On the other hand, I think that there is no question that in the general field we do have an interest.

It was testified before this committee the other day that the one electrician who had been able to secure a job as a result of intercession by the President's Committee on Government Contracts in President Eisenhower's administration, was no longer employed and had been denied the admission to the union which would be necessary for him to continue his employment.

Mr. RANDOLPH. Mr. Chairman, may I interrupt you to say that this electrician was able to secure employment as a result of the intercession of President George Meany of the AFI-CIO, and the Committee.

Mr. ROOSEVELT. We are happy to give Mr. Meany the credit for it. However, if it is true that he is no longer employed and that there are probably no skilled Negroes employed on the job, I feel that we should draw this to the attention of the President's Committee on Equal Employment Opportunity, inasmuch as this is a Government contract and ask what they intend to do about it. At least we can exert our moral suasion if we cannot assert any direct jurisdiction over it.

Mr. RANDOLPH. Thank you.

Mr. ROOSEVELT. I think at the same time it is proper for us to draw it to the attention of the Speaker.

After discussion with my colleagues, if they agree, I think we will proceed along that line.

Mr. RANDOLPH. Thank you very much.

Mr. ROOSEVELT. Mr. Randolph, what has the Negro American Labor Council been able to do in order to inform Negro youth as to how and when and where they may apply for entry into apprenticeship training programs? We have had a good deal of testimony before the committee that the defense of some of these programs in not having more Negro apprenticeships is that they simply had no applications and if they had no applications how could they let them in?

Mr. RANDOLPH. Surely.

Mr. ROOSEVELT. We felt that one answer to that should be a more, perhaps, intense program, to see that applications were there.

Mr. RANDOLPH. Well, Mr. Chairman, one difficulty Negro youth have faced is finding out how to get the proper information relative to their becoming apprentices. It is not easy to get that information.

Now, the Negro American Labor Council has been busy trying to organize this information and making it accessible to Negro youths in the various communities.

For instance, we have a committee in New York City composed of a representative of the National Urban League, the National Association for the Advancement of Colored People, the Congress for Racial Equality, and the Negro American Labor Council. This committee is now in the process of getting the information as to how Negro youth and other youth may be able to find out the ways and means of becoming indentured in a given craft.

We are also planning to put this information in a centralized place where all of the youth of the community will know where to go.

Not only that, but the Negro American Labor Council is going into the homes of the Negro youth with a view to making the parents aware of the necessity of Negro youth completing their high school training and becoming graduates, inasmuch as it is difficult for one to become an apprentice in any of the crafts today unless he has basic mathematics, and you cannot get basic mathematics unless you are a high school graduate.

So, our Negro American Labor Council does not stop at the point where we collect, organize, and analyze the material with respect to apprenticeship training. We are going into the homes of Negro youth to make the parents conscious of the fact that unless Negro youth become high school graduates and get this basic mathematics they cannot become apprentices and that this is indispensable as a part of this program of participation in the apprenticeship training areas of the various crafts.

I think we are making some headway in that respect.

Mr. ROOSEVELT. I think that is a fine contribution.

I am certainly hopeful that it will be most effective because I think you are hitting at the very core of the matter.

You might be interested, Mr. Randolph, in knowing that this committee requested that the Department of Labor give it a report on the whole apprenticeship training situation.

The report has been filed with the committee, together with a letter from the Assistant Secretary of Labor in which they have asked that they be allowed more time to prepare their own remarks on that report.

By agreement with the committee, this report will be released next Wednesday and at that time also the Assistant Secretary of Labor will be before us for discussion with the committee, following Mr. Meany, who will appear before the committee, we hope, to endorse the legislation.

Mr. RANDOLPH. Thank you.

Mr. ROOSEVELT. I feel you will be interested in that report and we would very much appreciate having your comment on it or in any manner you would like to present it to the committee at a later time.

Mr. RANDOLPH. Thank you. I shall be glad to.

Mr. ROOSEVELT. My last question has to deal with this "kinship club" in the craft unions. This, of course, has bothered us also. How to deal with this directly, however, is quite a difficult problem. I would not want you to be misled in thinking that the committee has found any way to deal with it legislatively except as it deals with the matter of discrimination.

I feel that this again is a problem which organized labor must attack itself, in many degrees. However, if you have suggestions as to how we can deal with it in a legislative manner, we will be glad to have it.

Mr. RANDOLPH. Mr. Chairman, I really have no suggestion with respect to method of meeting that problem but I may say that we do not have any objection to a member of a craft union designating his son to become an apprentice but we do have objection to the designation of apprentices being made only by the members of the unions.

We believe that the youth in the community who may have no relation to the members in the union should have an opportunity to become indentured in the craft.

Mr. ROOSEVELT. In other words, what you are saying is that the nomination for consideration certainly should lie in the hands of the father of such a son or indeed perhaps in the sone of management, for that matter.

Mr. RANDOLPH. Exactly, but not solely. In other words, we want to keep the unions open; we want to keep the jobs open.

Mr. ROOSEVELT. Mr. Dent?

Mr. DENT. On that particular question, does not this paternalistic placement program go beyond that of crafts and trade union movement and does it not enter into almost every phase of our commercial and professional life? Is it not true that many of our institutions of higher learning give preference, for instance, to educational opportunity to the children of the alumni? Is it not true in the profession of medicine that in most instances the sons or daughters of medical men get preference in the medical schools? Is it not a problem that goes beyond just the ordinary province of the Government in detailing certain discriminatory practices, and will it not be very difficult to try to establish a governmental agency that would say to a given craft or a given profession or a given commercial venture that, "Here now, you can no longer help your son or your daughter to follow in your footsteps; we demand that you take someone outside of your own family circle." Is it not going into an area of action that might becloud the whole issue and make ineffective the main achievements we are seeking, and that is the breaking down of discrimination, as such, in employment opportunities?

Mr. RANDOLPH. The objective is not to have the members in the union having the sole right of selection. The objection is not that they should not have the right to designate their sons as apprentices but that they should not have the sole right of designating the apprentices of a given craft.

In other words, that youth in the community may also apply for apprenticeships and that they will be considered on a basis of their merit.

Now, with respect, for instance, to the entry into a medical college, the applicants go through an examination. You take applicants to a law school, they go through an examination, unless, of course, they come out of a State where graduation from the high school makes them eligible to go into the professional school. But where there is the plan of entry into a craft, based upon merit, we do not object to that.

We believe that everyone should be subjected to the same measuring rod of ability, of merit, of talent, of genius. But we do not believe that any worker, any youth, should be excluded from the opportunity to get into a craft merely because of race or color.

Mr. DENT. After the applications are in, how would you decide who was to be selected? By what method? Would the vote be up to the union membership?

Mr. RANDOLPH. The unions are going to have virtually the final say, no doubt about that.

I believe that the unions are now becoming conscious of the fact that their policy of designating apprentices must be liberalized. This is what we are seeking.

Mr. DENT. I think we all want liberalization of the policies and I think we all ought to be practical enough to recognize the problem because it is a practical situation that you, Mr. Randolph, from your experience, can vouch for. If there are 10 apprentices to be named and there are 20 who have made the application and their merits are all evaluated and placed before the union, if 10 of them are sons of union members, the 10 sons of union members will get the preference.

Mr. RANDOLPH. That has been the policy. We want to change the policy.

Mr. DENT. How can you unless you set up a committee to name the apprentices?

Mr. RANDOLPH. Then, of course, the change must be made within the organized labor movement as well as through pressure from the outside to make the unions conscious of the fact that this is an unfair policy. That is what we are concerned about.

Now, as to how far legislation can go in helping to get the unions to change their policy with respect to the designation of apprentices, is another question.

I believe in the final analysis that the unions are going to control this question of the designation of apprentices. But we feel that the ability of youth to acquire training and skills in order that they may become eligible to participate in the industrial machine of our country, should not be confined to any particular segment but that that should be general because the whole question of the operation of the industry of the country is based upon training youth in the various skills and we do not have enough at the present time.

Mr. DENT. I only wanted to say that the reason I posed those questions is because we are now developing legislation and I wanted to know whether there was any area in this legislation that we could write into the legislation anything effective in that particular sore spot.

I thank you for your very frank answers.

Mr. RANDOLPH. Thank you.

Mr. ROOSEVELT. Mr. Ayres.

Mr. AYRES. Mr. Randolph, I have enjoyed your comments.

Is it fair to draw this conclusion that, in your judgment, organized labor as it is now made up, cannot bring about what you would call an end to discrimination in employment on their own?

Mr. RANDOLPH. Yes; I think that is a fair conclusion and, as a matter of fact, I think that the leadership of the organized labor movement of the country realizes this to be true. This is the reason for the interest in the fair employment practice law as a Federal law dealing with this question.

Mr. AYRES. You have been attending most of the conventions in recent years, being an officer in the national organization. In your judgment, has leadership of the AFL-CIO done everything in their power to eliminate discrimination?

Mr. RANDOLPH. Well, now, I do not think the leadership has done everything in its power to deal with this question effectively. However, I do believe that the leadership is honest. President George Meany, for instance, is not anti-Negro. I believe he is concerned about eliminating racial discrimination, and so forth.

But the drive, the momentum, the deep conviction that this question has urgency, I do not believe that the leadership fully grasps the urgency of the problem, and that is what we are concerned about. In other words, this is a question that cannot wait. The revolution of automation is moving at an accelerated pace. The unskilled workers are being liquidated and a large mass of these unskilled workers are black.

Mr. AYRES. You mentioned in your testimony that you had lost ground since 1930.

Mr. RANDOLPH. That is correct. I believe, however, that the leadership of the AFL-CIO is beginning to change. As a matter of fact, in the last convention in Miami Beach, Fla., the AFL-CIO went on record with a very splendid resolution on civil rights. The compliance machinery in the resolution is quite adequate. Now the problem is implementation.

A strong civil rights committee has been set up by President Meany and if this committee will work diligently, it can implement the resolution and make it effective.

I believe that there is now the spirit in the American Federation of Labor and Congress of Industrial Organizations to do something effective about this question. But we still need a Federal fair employment practice law.

Mr. AYRES. You still are of the opinion that even though you passed a nice resolution that the chances are unless that resolution is implemented through legislation, it will not amount to anything more than what your other resolutions have?

Mr. RANDOLPH. Quite so. That is why we need a statutory base to an ongoing agency that has concern about eliminating discrimination in every area of industry, government, and labor.

That is why we feel that the fair employment practice legislation is so vital and indispensable at this time.

Mr. GOODELL. Mr. Randolph, you have put your finger on something that, I think, is of critical importance here. It is one thing to say you are for eliminating discrimination. It is another thing to face the hard realities of fighting for it right down the line, every battleground that presents itself.

You used the words "drive and momentum and deep conviction that this question has urgency." I think those are very telling words.

Do you have any feeling that we should wait for a consensus in this country to develop before we take action?

Mr. RANDOLPH. No, I believe that the very initiation of legislation for fair employment practice, for the enactment of the principle of fair employment practice, tends to create the consensus. In other words, if you never begin a nationwide campaign and indicate an interest in the enactment of this legislation, you never will have a consensus. A part of creating the consensus in my opinion is the initiation of the legislation for fair employment practice and for civil rights in general.

Mr. GOODELL. I agree with you and I do not raise it in a partisan sense but I am deeply troubled because I think if we are going to get this legislation we are going to need the deep conviction, the drive and the sense of urgency from the President in this instance.

I was disturbed the other day to read that he said in response to the press conference that he felt it was important to maintain a consensus in this country as to race relations and that we should not go too fast.

This deeply concerns me because I feel it is our obligation to lead and to push forward.

I had understood that is what the President's position was up until this time.

Do you agree with me that if we do not have this drive from the political leadership as well as from the union leadership we are not going to make any progress?

Mr. RANDOLPH. You cannot get a consensus without initiating action in the interest of a given program. This is the reason, I take it, for this effort here to secure the enactment of a fair employment practice law and for all civil rights legislation. So I believe that the consensus principle is dependent upon action, initiation of specific legislation, the discussion of this legislation, debating the matter, all of that tends to create the consensus throughout the Nation. That is what we are in the process now of doing.

Mr. GOODELL. Would you join me, and I think this committee, in urging the President to put his shoulder right down and drive hard on this particular bill?

Mr. RANDOLPH. I am 100 percent for that, indeed. I certainly will be glad to join in this campaign to get the President to put his whole moral force and the weight of his office back of this bill. I hope he will do that.

Mr. ROOSEVELT. The time of the gentlemen from Ohio and New York has expired.

The gentleman from Illinois.

Mr. PECINSKI. Mr. Randolph, I know you have appeared in support of legislation before Legislative Committee for many years. You certainly have played a very significant role in the development of social legislation.

Would it be your judgment in following up the question of my distinguished colleague from New York that the legislative branch of Government can not forfeit its responsibility regardless of what the executive does? The responsibility for this legislation rests with the legislative branch of Government and there are enough votes in the legislative branch of Government if we remove partisanship to get this legislation through.

Would you agree that there are enough votes in the legislative branch of Government to get this legislation through notwithstanding any action from the executive branch?

Mr. RANDOLPH. Well, I am not sufficiently familiar with the mechanics of developing legislation to make a judgment on that question but I think that you are quite correct when you say that the legislative branch has a responsibility for initiating and putting through legislation of this sort, civil rights, and so forth. I am in total agreement with that.

However, I believe that the leadership of the country which is the President, the President is the head of the most powerful Nation in the world, he is the most powerful individual in the world now. His moral leadership is indispensable not only from the point of view of achieving world peace but in creating a consensus in the country in the interest of legislation of this sort.

Therefore, I think we naturally want to appeal to him for his support. I also agree with you that the legislative department has a responsibility to put through legislation of this sort.

Mr. PUCINSKI. Would it be your judgment, sir, that on the basis of the President's outstanding record, through executive action, in the field of civil rights during the one year he has been in office, that there is no reason to believe that that moral responsibility from the Executive you talk about would be lacking when this bill moves along?

Mr. RANDOLPH. No, I think there is no reason to believe that he will not put his moral force back of legislation of this type.

Mr. PUCINSKI. Now, my final question, Mr. Randolph, because our time is so extremely limited this morning, would it be your judgment, sir, that if we are to have effective legislation at the Federal level dealing with job discrimination, this legislation must include in it the age factor, the discrimination against thousands upon thousands of American workers who cannot get jobs even though they have all the qualifications and experience, simply because of their age?

It is a practice all over the country. A man goes to ask for a job, he has all the qualifications, then when they come to the point that they ask him, "How old are you?" if he says he is past 40, they bluntly tell him that he is too old.

Do you feel that this legislation, if we are going to deal with the problem of job discrimination, must include a bar against discrimination because of age in hiring practices?

Mr. RANDOLPH. I am in accord with that principle.

Mr. PUCINSKI. Thank you very much.

Mr. ROOSEVELT. Mr. Hiestand, I beg your pardon for not recognizing you before.

Mr. HIESTAND. Thank you. But I have no questions.

Mr. ROOSEVELT. Mr. Goodell, we will come back to you.

Mr. GOODELL. I do not want to go any further with partisanship but I believe very deeply that this committee on a bipartisan basis and that the House of Representatives will meet its responsibilities have if we have the leadership, legislative leadership.

I have doubts, grave doubts, realistically however, that we will get anything through the Senate or a final product out of this Congress without just supports and statement of approval by the most urgent pressing drive from the President on this question, moral suasion being applied.

I respect your statement that there is no reason to believe that he will not put his moral force behind this legislation but it does disturb me about some of the statements he has made by reference to the stroke of the pen in the housing situation.

The President did tell us this was going to be among the first orders of business in January 1962, and it has not been anywhere in his business up to this point.

I do not want to say it in a partisan sense. I want him to talk about this and not talk constantly about the chairmen of the committees from the South who have to be placated for some reason or other to get other bills through.

I think this has the same kind of urgency and should be given the same priority.

Mr. RANDOLPH. I think you are right.

Mr. GOODELL. May I ask you what your reaction would be to denying certification by the NLRB to any union that discriminates?

Mr. RANDOLPH. I think that is a practical and necessary phase of legislation in order to make it effective. I do not see any reason why that should not be utilized in making this law really work.

I think the unions that are trying to meet this problem honestly and forthrightly could not object to that.

Mr. GOODELL. What would be your reaction to making it an unfair labor practice to enter into an agreement with a union that discriminates? In other words, you cover both employee and employer by this device.

Does this seem to hold promise?

Mr. RANDOLPH. I think in the legislation some provision might be included against negotiation of an agreement whereby bias is exercised against either party to an agreement or by both parties in the agreement which would be against the public interest inasmuch as a certain segment of the community would be victimized by such an agreement.

Mr. GOODELL. In the instances where there is a union shop agreement where, in order to get a job you have to be a member of the union, if you cover the employer and employee both, it would seem you would have a little strong weapon here in this case.

Mr. RANDOLPH. You would.

Mr. GOODELL. You indicated, I think, that perhaps you had some evidence that there has been discrimination in the construction of the additional House Office Building. I do not want you to go into detail before this committee moves in this respect. Could you confirm that you have some—

Mr. RANDOLPH. I do have some worry about it. As a matter of fact, I see no evidence of the fact that Negro workers are going to be used in the construction of this House Office Building.

I think that now is the time to look into this matter of the hiring policy. That is why I raised it. I think it is a very vital thing. We cannot wait until the building is almost finished but now is the time in my opinion to find out just what the hiring policy is.

As the chairman indicated, the official concern about it expressed by this committee could in my opinion have a tremendous effect.

Mr. GOODELL. This conclusion—I know our time is limited, we have another witness here—may I just express my strong agreement with your testimony, particularly the testimony with reference to the need of convincing the young Negroes that they must complete high school.

In my own hometown, I have seen this situation where the percentage of the young Negroes quitting school is much higher than the percentage of the young white people quitting school.

I understand that perhaps part of the reason for this is that they are fearful if they will get their high school education they will be relegated to a menial job anyway, but this can also be a crutch and an excuse for our young people.

I hope that we can develop other means to convince them and their families that they should go on.

I certainly welcome what you said about getting into the homes this kind of support.

Mr. ROOSEVELT. Mr. Smith has one final question.

Mr. SMITH. You said, as I understood it, you would favor denying certification to the union that discriminates. I assume from that it would follow that you would also deny the services of the NLRB to the employer that discriminates?

Mr. RANDOLPH. Exactly.

Mr. SMITH. When we get a strike, work stoppage, the whole community can be affected if we have an employer or union, either one, that discriminates, so the NLRB services are not available in that dispute. So then, what do we do?

Mr. RANDOLPH. If the element of race bias is involved, I think it is a clear question here as to the advisability of the utilization of the NLRB services in the negotiation of the contract.

Mr. SMITH. What I am really trying to indicate is that the union and the employer are not affected sometimes as much as the community, so the community really is denied NLRB services.

Mr. RANDOLPH. You are talking now about a strike?

Mr. SMITH. Yes.

Mr. RANDOLPH. Of course, there is no way to prevent a union from striking. It has the right to strike against whatever it regards as being inimical to its interest or the interest of its members.

There is no way by which we can control that except that public opinion will unquestionably have some influence.

Mr. ROOSEVELT. May I interrupt to say that this matter will be a matter which is not before the committee at this time. It may be important and it has the implications which I think the gentleman from Iowa has mentioned, but it is not before the committee at this time.

I would prefer we did not discuss it.

We are discussing specifically this legislation.

Mr. Randolph, I want to thank you very much for your very patient and very full and very frank answers to the committee and for your very fine statement.

Mr. RANDOLPH. Thank you very much.

Mr. ROOSEVELT. The committee, at this time, will have the privilege and the honor of hearing from the Honorable G. Mennen Williams, Assistant Secretary of State for African Affairs.

Mr. Secretary, we are happy to have you. Again, as an old friend, may I tell you how much we appreciate having you before us. I think there are two things I would like to say to you. First of all, I think this committee owes you personally a debt of gratitude because I believe you appointed Mr. Fred Routh to his position during the time you were Governor of Michigan and his assistance to this committee has been a tremendous asset, as well as, of course, the cooperation of the present Governor, Governor Swainson.

Secondly, I would like to state for the information of the committee that the chairman has been in contact with the administration and that the Chair wants it understood that in asking you to appear before the committee this morning we are not asking you to state the position of the administration on this legislation. No final

bill has been written which the administration could comment on or take a position upon. There are aspects of the general problem which we felt you were in a particularly effective position to give to us as to the overall effect of our foreign problem of this problem as a problem, not the legislation. We are asking you to comment on that. If there are any questions as to the position of the administration I will rule them out of order because the administration has not yet received a copy of the specific legislation that they will be asked to either support or to suggest changes at a later time.

Therefore, Mr. Secretary, I suggest you go ahead. If you have a statement we will be very happy to hear from you.

**STATEMENT OF HON. G. MENNEN WILLIAMS, ASSISTANT
SECRETARY OF STATE FOR AFRICAN AFFAIRS**

Mr. WILLIAMS. Thank you very much, Mr. Chairman, and members of the committee. May I first of all express my appreciation for your warm welcome and for the statement of the conditions under which I appear here. I am sure that the administration will in due time have the appropriate member to speak to you and in the meantime I am very grateful for the opportunity to testify with regard to fair employment practices along the lines you have mentioned.

My experience in State and Federal Government has taught me how vital equality of opportunity is to the health of our Nation. In Michigan the administration I headed was successful in enacting an FEPC measure. Presently, I am employment policy officer in the Department of State, charged with the implementation of the Executive order on equal employment opportunity.

The Department of State is working arduously to increase the number of Foreign Service and Department of State officers drawn from Negro and other so-called minority groups. We are also seeking to improve the opportunities for career advancement in the Department. Our special efforts at recruitment are well launched, with greater attention to predominantly Negro colleges and universities. Last November at the centennial conference of land-grant colleges in Kansas City, I obtained the unqualified support of the presidents of member institutions for our program. They pledged their cooperation in our recruitment program.

Presently the Department is surveying qualified candidates with a view to considering some for lateral entry into the Foreign Service.

In case any of you are unfamiliar with the term "lateral entry," it refers to bringing in people at grades other than the lowest grade.

As a member of the Department of State, I will not testify to the particularities of this bill. My remarks will be directed to the general purpose of combating discrimination in employment and the importance of such action for our posture in the world.

As you know, the majority of the people of the world are colored, and as such are particularly sensitive to any racial inequities or color barrier. During trips last year through 35 countries in all regions of Africa, and in daily contacts with African diplomats, I have been constantly reminded of the interrelationships between our domestic actions and our foreign relations. Virtually every press conference in Africa brought a series of pointed questions on color conflicts in

America. Our racial and religious problems are understandably of great interest in Africa, Asia, Latin America, and elsewhere abroad.

The real difficulties of racial integration—which our open society permits the world to know—do complicate our foreign relations. Our shortcomings in this regard are of particular interest to the Soviet bloc nations, who engage in a persistent campaign, often through distortion, to denigrate the right of the United States to leadership.

Nations with predominately colored populations often judge the United States on the basis of our record with regard to our Negro American and other nonwhite citizens. Much of their information comes from not always objective press accounts. But increasingly—especially now that there is an Afro-Asian-Latin American majority in the United Nations, more foreign government leaders have an opportunity to see for themselves.

Despite the marked progress of the last few years, the concentration of Negroes in the more poorly paid jobs is a tendency in several Government departments and agencies. It does not go unnoticed by colored diplomats and officials who sojourn among us. In fact, this very point was made by a member of an African embassy, in a speech last fall in Boston. Nor are our foreign friends unmindful of racial discrimination in employment committed by private organizations.

However, the struggle for survival in our time is such that our security in a position of leadership in the world today is concomitant upon our solving this problem with great speed.

While the foreign relations implications of racial discrimination are compelling, there is no better reason to combat it than the fact that it is wrong. It is counter to the spirit of our laws.

Discrimination in employment is part of a pattern of invidious practices that deprive our Nation of its full strength at a time when the demands upon our leadership are greater than ever before. Counting upon our partnership in freedom and progress, much of the world waits anxiously to see us root out what Ambassador Chester Bowles has described as "a moral cancer in our society."

We must make every effort to secure full human rights for all Americans and in a permanent form.

MR. ROOSEVELT. Thank you, Mr. Secretary. I think you have documented what I am sure most of this committee believe—what in fact, I think any informed American must believe—by simply looking at the evidence which you have so well highlighted.

Your last statement contains a phrase which I would like to pursue, if I can do so without violating my own previous precepts. You say, "We must make every effort to secure full human rights for all Americans and in a permanent form."

A permanent form must be legislative and not executive, as I think that you as an executive in past years would agree, that any executive action, especially in our Federal system is not permanent. We have had pretty good proof of that in this particular field. Without asking you to comment unless you want to comment, would you not agree that it is vital that we work along the road of permanent form in the protection of these full human rights?

MR. WILLIAMS. When I was the chief executive of my State, I was fully aware of the implications which you have just indicated. That is, that executive action sometimes can be permanent, as when I had

the opportunity to end discrimination in the National Guard, because, once ended, it is very difficult to start again. But it is certainly true that executive orders are not necessarily permanent and that in the long run it is useful to have our mores imbedded in legislation. In that form, they are more effectively observed.

It is for that reason, as I indicated in the first part of my testimony, as Governor I was anxious to push for an FEPC Act.

Mr. ROOSEVELT. Mr. Ayres?

Mr. AYRES. I have no questions.

Mr. ROOSEVELT. Mr. Pucinski?

Mr. PUCINSKI. Mr. Secretary, I would like to congratulate you on a very fine statement. I would like to take advantage of your appearance here to ask you as to your experience with this legislation as Governor of the State of Michigan. Did the Michigan bill provide for any court action in the case of failure to comply with the act?

Mr. WILLIAMS. Yes, sir; there was a final appeal to the court. We never got to that point, however, because settlement was effected before that sanction was necessary.

Mr. PUCINSKI. The agency in your State tried to resolve most of those problems through negotiations and mediation or other methods.

Mr. WILLIAMS. Yes, sir; that was true. As a matter of fact, if I may go back to your original question, I think, if my memory serves me right, while I was Governor there was only one occasion when the commission had to go to court. It was able to solve successfully by conciliation all of the other cases.

Mr. PUCINSKI. As you know, Illinois passed an FEP law in the last session of the legislature. They are now getting started on it. There was a recent story in one of the Chicago papers quoting several of the large employers to the effect that while they want to comply with the law, they want to hire people of various minority groups, their problem is not being able to find qualified workers for these particular jobs. Has this occurred in Michigan? Did you have such experience along that line in Michigan?

Mr. WILLIAMS. First of all, I will say it was exceedingly difficult to get an FEPC law in Michigan. As a matter of fact, it took us 7 years. But once the law was passed we were gratified by its almost immediate acceptance by employers, some of whom had hotly contested the passage of the law. There was an effort on the part of many of the large employers to work cooperatively with the Commission before there was any question of a complaint. One large automobile company sat down with the Commission and practically rewrote its whole personnel code.

As a consequence of that spirit they were able to hire many Negroes and other minority people and there was no evidence brought forward that there were not qualified people available. That is, in Michigan.

Mr. PUCINSKI. It seems from what I can see that the authorities in Illinois are trying to comply with the law too, but I was wondering what you do in an instance where there is evidence that they really can't find qualified people for certain jobs. In this particular story I am referring to the employers maintained that they had put aside a certain percentage of jobs available specifically to comply with the law and hoping to fill them with members of the minority groups.

They have made various efforts to locate these people and have been unable to do so. Therefore, it would appear on the surface at least, they are not in compliance when in reality they have been making an effort to find these people. How do you resolve that problem? Do you indict the company or do you take that into consideration?

Mr. WILLIAMS. I would suppose that under the law, although I am not familiar with the Illinois law, that compliance has to involve an actual discrimination against an individual person or persons. As a consequence, if there were no qualified people who were discriminated against there would be no technical violation.

I would say as a practical matter, it seems to me that such organizations as the U.S. Employment Service, the Urban League, and other private and public organizations of this kind ought to be able to find such persons, and even, if they are really anxious, to go into other States. I know that in the State of Michigan, although with respect to the question of discrimination against minorities, there were occasions when we had to go out of the State and even out of the country in order to find people with certain specific skills.

Mr. ROOSEVELT. Would the gentleman yield?

Mr. PUTCINSKI. Yes.

Mr. ROOSEVELT. Mr. Williams, is it not true also that if we could give a big push to overcome some of the segregations in the apprenticeship programs that this in itself might tend to cure such a situation if it actually exists and that part of the effort of such a law should be the development of people with the necessary skills in those areas where it can be demonstrated that there is a lack of personnel available. That is an affirmative part of the legislative process, it would seem to me. Would you agree?

Mr. WILLIAMS. I might say I listened to the prior testimony with great interest because it seems to me the apprenticeship programs and also retraining programs are very important. Our people must have the skills.

Mr. PUTCINSKI. I have one final question, Mr. Secretary.

In the committee we have been discussing two approaches to this problem, one giving the Commission the authority to issue a cease and desist order upon finding proper finding, where any other negotiations have failed. The other suggestion is that the Commission when it has exhausted all of its efforts to reconcile a situation, would then become the prosecutor and actually become the instrument that would file an action against an employer directly in court. Would you have, on the basis of your experience with this legislation in your State, any comment on which would be the more preferable way of doing this?

Mr. WILLIAMS. I do not think that I had better testify on that. I know that there is some argument among the experts as to how far one should go in giving the Commission specific authority to initiate suits. All I can say is that it was our experience in Michigan that the existence of a legal sanction was generally adequate to avoid its use.

So I would assume that if you had an adequate alternative in the legal field, this would perhaps be sufficient.

Mr. ROOSEVELT. Am I correct in saying though that in the Michigan law you do have the right of the Commission, after failure of the conciliation process, to go to court?

Mr. WILLIAMS. Yes, sir.

Mr. PUCINSKI. Is it your judgment, Mr. Secretary, that in order to have an effective nondiscriminatory policy in the hiring affecting all 50 States, the only way you can do this is through Federal legislation?

Mr. WILLIAMS. I hesitate to answer briefly that question because obviously as a Governor I was interested in seeing that the States fulfill their own obligations.

As a matter of fact, with Governor Harriman we were instrumental in setting up a State organization to encourage this. I know, however, that there are certain areas in which State legislation cannot prevail, either because of the interstate commerce clause or because of the practical matters of the case. Governor Harriman and others were concerned about discrimination on airlines. It was very difficult to ever pin down a jurisdiction where action could be taken. So I would say that it would probably be very useful to consider at least a partnership where the State and Federal Government would both be able to exercise authority in the field.

Mr. ROOSEVELT. Will the gentleman yield?

Mr. PUCINSKI. Certainly.

Mr. ROOSEVELT. If I would not be putting you on the spot, I would like to also say that the many African diplomats will certainly look askance at the situation if there are still 20 odd States that have no equal employment opportunity laws whatsoever. Would that not be true?

Mr. WILLIAMS. It is certainly true that as long as we have any discrimination in the United States or whether it be because of lack of legislation or lack of proper consideration on the part of our own people, our image in Africa, and I am sure in Asia and Latin America, will suffer. So obviously any system of legislation which does not do the job completely would be inadequate.

Mr. ROOSEVELT. Thank you, sir.

Mr. PUCINSKI. Mr. Secretary, I agree with this last observation. You really don't have to answer this if you don't care to, but so frequently we hear statements of the image that we have to create throughout the world and many of our actions are guided by this admonition. I wonder if the other countries of the world are as deeply concerned about the image that they create in this country and do they motivate themselves to the extent that we try to motivate ourselves in many of these fields of social legislation and otherwise?

Mr. WILLIAMS. I know that when I used the word "image" I brought up a concept here which is much bruited about and perhaps I should not.

I think it is perfectly true that the U.S. posture is more often held up to study and consideration than is the posture of other nations. I must say also on a subject which I know has interested you and which you have given much study, Mr. Congressman, when this subject comes up abroad I generally point out that we in the United States do have discrimination. But what I think is somewhat refreshing is the fact that we recognize it and that we are doing something about it; and that the Soviet Union, which has discrimination against minorities, against Jews, is doing nothing about it. So that in judging the United States the people who are looking at us cer-

tanly ought to take into consideration that we as a people recognize our deficiencies and are doing everything that we can about them, whereas there are many other countries of the world with discrimination which do not even recognize it and do not even intend to do anything about it.

Mr. PUCINSKI. But then when the vote in the United Nations comes along we find that while this country is doing so many things to try to impress the world what we stand for, the Soviet Union has nothing but contempt for the rights of people, yet when the vote comes along in the United Nations, we find many of these nations that we are trying to impress, either abstaining or in some instances actually going along with the Soviet Union. This is the dilemma in evaluating this type of legislation, when we talk about the image we create.

It creates some real dilemmas I think for many of us.

Mr. WILLIAMS. I think that the United States benefits from and suffers from the fact that we have been associated with European countries who have had colonial experience. Many of the countries of Africa, in the past, although I think it is changing, had a view of the United States which has been colored by this association, our association with some of the countries which have been engaged in pretty strenuous colonialism in more recent times.

I do think the matter is changing. I do think, however, that on many of the votes to which you have reference, the United States has taken a position of reasonableness and moderation, whereas the Soviet Union has taken a very extreme position on anticolonialism which performers must have appealed, at least superficially, to some of these nations, or at least put them in a position where it would have been difficult for them to vote to the contrary.

I do think that this is a matter where all of us not only must have a little understanding, but we must affirmatively go about the job of demonstrating to these countries of the world that the United States really does stand 100 percent for freedom and that we are concerned about the freedom of African countries, but we are also concerned about the freedom of Berlin and the people behind the Iron Curtain and we hope that these new countries, as they assume their responsibilities in the world, will also recognize that freedom is indivisible and that they too must have the same concern for the denial of freedom in Europe as they would like us to have for the denial of freedom in Africa.

Mr. PUCINSKI. Mr. Secretary, I want to thank you for the fine answer.

Mr. Chairman, I hope we can all agree that the former Governor and now Assistant Secretary has done his homework very well in the answers he has given us today.

Thank you very much.

Mr. ROOSEVELT. Mr. Goodell?

Mr. GOODELL. Mr. Secretary, it is a pleasure to have you here today. I will respect the rule laid down by the chairman recognizing you are not here as administration spokesman. But I look over the list of witnesses that we're going to hear and it looks to me that we are going to hear from everybody in the world except the administration, somebody coming up here and giving us the official administration position on this question.

Mr. ROOSEVELT. The chairman has arranged to have an administration spokesman here a week from next Wednesday.

Mr. GOODELL. I am glad to hear that. It is my understanding of this procedure that I have observed for 9 or 10 years now that when an administration really wants some legislation they don't take the cautious approach of sitting back; they send their own proposed bill up here and don't sit back and say we have not seen your bill so we don't know what we think of it. I know the other members of this committee would like to have the administration take a position on it.

I was impressed with your comments, as a former Governor, on the importance of maintaining State jurisdiction where possible and where it will be effective. We don't want to discourage new States from setting up their own FEPC laws and we certainly don't want to undermine present laws. You agree with that?

Mr. WILLIAMS. I certainly do. I recognize the difficulty that the chairman adverted to but I am happy to say that as of a year ago when I left office approximately half of the citizens of the United States, either through State laws or through municipal ordinance, were subject to some form of civil rights legislation. That is, employment practice legislation.

Mr. GOODELL. Would you agree that we should write legislation which will permit the State organization, where there is one in existence, to do the job if they will and if they won't, the Federal organization will do it?

Mr. WILLIAMS. I think that is a fair statement.

Mr. GOODELL. You would agree that wherever there is a State organization which will go about it with local people and with their local understanding of their problems, if they will aggressively go about this that this is the better way than to have a Federal agency do it?

Mr. WILLIAMS. I agree and I think you are putting emphasis on a judgment as to the States effectively carrying it out, which I think is a proper consideration.

Mr. GOODELL. Yes, I do, too. I agree that the Federal Government some way must have the power to pressure the agency, to decide whether they are effectively doing the job. But where we feel they are, the local organization should be permitted to do it.

Would you have a comment, Mr. Williams, on the anticipated impact of a national FEPC law on the African States?

Mr. WILLIAMS. I think it is a little difficult to generalize here because, as you know, we already have 29 different African States who are independent and at least a dozen or two dozen more other territories. So the impact is not going to be entirely even. Some follow what we do here very closely. Others are not so sophisticated as to our operation. I would say that among those who follow us closely, any step of this kind, would be viewed with great interest and favor. I think, also, as it had an impact on the whole of our recognition of the human rights of others, it would eventually have an impact on everyone.

Mr. GOODELL. Do you feel that there are a substantial number of these states that do keep fairly close tabs on what we are doing here on the race problem?

Mr. WILLIAMS. Yes, there is a substantial number.

Mr. GOODELL. Then you do feel that a national FEPC law would have some substantial impact on these—

Mr. WILLIAMS. I think any action of this kind would, yes, sir.

Mr. GOODELL. Do you feel our race relations in this country are an urgent problem of some immediacy with reference to our relationship to the African States?

Mr. WILLIAMS. I do, absolutely. I think this is a matter not only of great impact but of considerable urgency.

Mr. GOODELL. Recognizing your record as Governor in this field, I wonder if you would comment whether you would have ever had a Michigan FEPC law without strong leadership from the executive in Michigan?

Mr. ROOSEVELT. The Chair will have to rule that question out of order. The Chair will comment that it is obvious the State of Michigan had strong executive leadership.

Mr. GOODELL. I appreciate the Chair answering my question. I thought there was a positive answer to it.

In conclusion, Mr. Williams, we appreciate your appearance here. I would like to express my own feeling, and this is not in any sense expected that you will have a response, but unless someone really puts the heat on the President on this question it is my opinion he is going to sit tight on it. I am not so sure but what maybe in view of your feeling about the African states and your relationship there, you are the man to do it. I hope someone will do it, anyway.

Mr. ROOSEVELT. Mr. Smith?

Mr. SMITH. I also want to thank you for your statement. I think it has been very good and your testimony, too.

What year was it when your law was passed in Michigan?

Mr. WILLIAMS. 1956, I believe.

Mr. SMITH. You had been after it for 7 years up to that time?

Mr. WILLIAMS. Yes.

Mr. SMITH. After the law was passed did the people who had fought the law cooperate?

Mr. WILLIAMS. Pretty much. We couldn't really ascertain any pockets of resistance. The evidences of cooperation were very general.

Mr. SMITH. You are the employment policy officer of the State Department to help implement the Executive order on equal opportunity?

Mr. WILLIAMS. Yes, sir.

Mr. SMITH. One of proposals which has been advanced is that this proposed law absorb the work of the President's Committee. In Michigan did you have another commission of any kind?

Mr. WILLIAMS. We endeavored to work through our civil service commission. As Governor I was able to issue orders and talk to the members of the various agencies. I also had a chief administrative officer, who was called the controller, the head of the department of administration. Through the civil service commission we tried to raise our standards.

Mr. SMITH. After the fair employment practices law was passed, then did you continue this State government organization?

Mr. WILLIAMS. Yes, we did.

Mr. ROOSEVELT. I have agreed to give an opportunity for one short question to the gentlemen on either side of me. In order to be non-partisan we will go to the gentleman on my left, Mr. Ayres.

Mr. AYRES. Governor, it is nice to have you here. We have had considerable testimony before the committee regarding the large percentage of Negroes, comparatively speaking, that are unemployed in our country compared to the whites.

Did you see any relationship between the unemployment of Negroes after your law was passed or has it had time to really work yet?

Mr. WILLIAMS. I can't answer that factually because I don't know that there have been any statistics.

Unfortunately, as you know, this is all bound together. It is not only discrimination in employment, it is discrimination perhaps in education; it is the fact that Negroes, unfortunately, for a period of time have not been equally well off economically. As a consequence, their position has been so low that the old saying, "The last hired and the first fired," does and will, I imagine, continue to some extent until we can get our retraining and apprenticeship and educational programs improved. Of course, we do have a system of seniority in many of our large employing areas and, as a consequence, the carryover from a previous day will take a little time to overcome.

So that, while I think it does make a dent, whether it is readily appreciated in terms of statistics I could not testify.

Mr. AYRES. Thank you.

Mr. PUCINSKI. Governor, so far as I can determine, none of the States that now have fair employment practices laws have a provision dealing with discrimination because of age, which, of course, is becoming one of the great problems of the country today.

Mr. GOODELL. If the gentleman will yield, New York has such a provision.

Mr. PUCINSKI. Thank you. From your experience in this legislation would you care to offer an opinion as to whether or not, if we are going to have an effective Federal statute dealing with discrimination in job hiring, we ought to include in this legislation a bar against discrimination because of age where a worker is otherwise qualified physically and emotionally and what not?

Mr. WILLIAMS. I sympathize very deeply with your position that we should avoid discrimination because of age. I think I would prefer to leave it to the experts as to whether the normal Fair Employment Practices Act or some special legislation is the best way of getting to it. I would just say that I think we ought to consider the matter appropriately.

Mr. PUCINSKI. Thank you.

Mr. WILLIAMS. Mr. Chairman, I have ended my testimony and I want to express my appreciation to you and to the committee. As one who has formerly engaged in the political scene and now in the State Department, I am very grateful that you recognize my weakness and did not push me to extremes.

I thank you for the consideration you have given me. I do not want anybody to contribute to the delinquency of a State Department employee.

Mr. ROOSEVELT. We want to thank you, sir. You have been very helpful to us. I think in all honesty your experience in this field naturally justifies you as an expert witness before the committee. We want to thank you for taking the time to be with us.

Mr. WILLIAMS. Thank you very much.

Mr. ROOSEVELT. The committee has the great privilege and pleasure of welcoming at this time the distinguished Senator from the State of New York, the Honorable Jacob Javits.

I would like to say to you, Senator, that your interest in seeing effective legislation in the field of civil rights and in the field of equal opportunities for employment has been such a long and distinguished one that this committee is particularly happy to welcome you because we feel, and we have stressed, that this effort and this legislation should be nonpartisan.

I think I would be failing in my duty if I did not say that some of us on this side are a little worried, not so much about this side, but about your side of the legislative halls.

We are hopeful that both in your body as well as in the House of Representatives that there may be a truly nonpartisan joint effort to write the most effective legislation which can be written.

We welcome you and I suggest you proceed in any way you wish to do.

STATEMENT OF HON. JACOB K. JAVITS, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator JAVITS. Thank you, Mr. Chairman. I am very grateful to you for your hospitality to me as an alumnus of this great legislative body.

I also wish to express my pleasure at the presence upon this subcommittee of two friends with whom I have worked very closely in addition to the chairman, whom I count not only as my colleagues but my friends, Representatives Ayres and Goodell—Mr. Goodell from my own State. I am delighted to see an upstate New York Congressman take the vital interest in this matter which Mr. Goodell has taken.

I know the chairman will understand me when I speak feelingly on that subject.

Mr. ROOSEVELT. Not only that, Senator, but I would like to say both Mr. Ayres and Mr. Goodell have made great contributions to the work of this committee.

I can truthfully say that I think this committee has worked harmoniously because of their very fine constructive attitudes.

Senator JAVITS. I thank you, Mr. Chairman.

I have a statement, Mr. Chairman, on the legislation which is before the committee. I know that the committee is deeply interested in the civil rights situation in the Senate. I know also that the Senate has been the traditional graveyard of civil rights legislation and if the Chair will allow me, when I have made my statement, which will be very brief—I understand the limitations of time only too well—I will say a word about the Senate situation and be open to any questions you might have for me on that score.

Mr. ROOSEVELT. Thank you.

Senator JAVITS. May I say, Mr. Chairman, in that statement I am rather critical of the administration. I say that in advance because I think I have standing to affirm my complete concurrence with the Chair in the nonpartisanship or bipartisanship of civil rights legislation.

It is well known that in the Senate I have worked as closely together as any Member of that body ever did with my Democratic colleagues in this cause. So I hope that what I say will be understood in that context. I have been critical of my own administration on occasion in exactly the same cause.

Mr. Chairman, I favor a Federal fair employment practices law which includes a savings clause for States effectively exercising similar powers with respect to opportunities for employment within their borders. Such a Federal law is an essential sanction for the implementation of the constitutional guarantees which are now accepted, certainly to cover jobs, education, housing, and places of public accommodation. I believe that the draft bill entitled "Confidential Discussion Print" of the chairman of this subcommittee is a reasonable and balanced legislative expression of this intent in substance.

I am convinced that implementation by law is vital in order to bring about reasonable and widespread enjoyment of these civil rights. I do not believe that this objective can be obtained by action in the executive department alone, no matter how vigorous and well intentioned. Only the Congress can make laws and laws are essential not only to deal with recalcitrants but as importantly to establish a standard of conduct for the community.

I wish to emphasize, Mr. Chairman, that this is the major distinction between what the Congress can do and what the President can do. A President can set the moral tone—wonderful. I think it is just great. A President can enforce laws. He can cause the United States to intervene in suits. He can even call in marshalls, as did President Kennedy, where violence is threatened, or troops, as did President Eisenhower. But the President, with all of that, cannot set a standard to which the country can repair; only the Congress can do that. We are the only body which can write a code.

So, the fair employment practices laws, because they are so surrounded by provisions for negotiation and conciliation and mediation and technical assistance that very few cases ever go to court, have their principal importance as a standard.

I will comment later on the efforts by the Federal Government to establish a standard and how small a distance they have gone, thus indicating that only the Congress can really do this.

I say that because it is not enough to say that the Executive is not asking for law. It is also necessary to make it very clear why law is necessary and why the Executive cannot—notwithstanding all good faith—do it solely by Executive action.

Now, it is for these reasons, Mr. Chairman, that I take issue with the views of the President which are widely believed, and indeed I think the belief is confirmed by the implications in the state of the Union message, to mean that he will not ask for additional Federal laws on civil rights this year.

The President and the Attorney General have been praising their record on civil rights as one of progress. There certainly has been no progress in civil rights legislation. And while there has been progress on other fronts, we have a right to expect it. There was more progress on civil rights in the Eisenhower administration than in the Truman administration; and more progress in the Truman administration than in the Roosevelt administration. But the quest

for civil rights is the theme of our times, and only when we can pass legislation such as this FEPC law can we, with justification, make real claims about more progress.

I feel the really significant progress has been made when the Congress has acted or when the courts have acted, thus giving the Executive a basis for Executive action. The Executive cannot invent Executive action. He can only act on laws which are either interpretations of the Constitution or laws passed by the Congress.

I have given full credit to the President and the administration for the vigorous activities of the Attorney General in the civil rights field and for appointments to high office without regard to race, creed, or color—though the Eisenhower administration which did seek civil rights legislation also accomplished a good deal by Executive action. Unless there is law by congressional action to carry out the platforms of both the Republican and Democratic Parties adopted at their 1960 national conventions and to carry out President Kennedy's pledges on civil rights made during the campaign—Nixon made them, too, and if he had been President we would be expecting the same thing—there would be no adequate implementation of the constitutional guarantees of equal opportunity. The most outstanding demonstration of this failure is found in the slow and halting pace of desegregation of the public schools in the South, but it is matched as well by the widespread denial of equal job opportunities except in States which have their own effective FEPC laws.

Perhaps the best illustration of this difficulty is the record of the President's Committee of Equal Employment Opportunity, established by President Kennedy's Executive order and headed by Vice President Johnson, which has taken over the functions of two committees that had been established by President Eisenhower; namely, the President's Committee on Government Contracts, of which Vice President Richard M. Nixon was Chairman; and the President's Committee on Employment Policy, of which the Reverend Archibald J. Carey, of Chicago, was Chairman.

I credit this Committee with the utmost good faith in seeking to eliminate denial of equal job opportunities, both in Federal employment and among contractors with the Federal Government. Yet the very difficulty it has had in making any major breakthroughs in this field, notwithstanding the fact that the Federal Government is responsible for more than \$30 billion of procurement for fiscal year 1962 alone, shows that the backing of law is indispensable to real achievement in obtaining equal job opportunities.

Indeed, Mr. Chairman, if it were enough to take Executive action, the leverage of \$30 billion in Federal procurement alone could enable a Federal executive agency to give you, in effect, an FEPC. But the fact is that unless the Congress backs this up you just cannot score a major breakthrough in this field any more than you could in the educational field, any more than you could in the voting field, until you had action which laid a basis for Executive action.

I compliment this subcommittee and its chairman for undertaking congressional action in this field notwithstanding the policy of the administration. I deplore and deprecate the fact that in one respect even the Executive is not doing what he might do, also, and that is in the matter of discrimination in federally assisted housing. But

I do not wish to cast my testimony in the light of being captious with the Executive. I would much rather base it on matters of principle because I feel, and I repeat again, there is no lack of willingness, but I do not feel that the fundamental thrust of policy, which would assume that what is to be done is to be done in the executive department, is going to work out in terms of really measurable progress.

Now, I understand the reasons for it. I understand that the President is anxious to get other elements of his program through, et cetera, but I do not believe that those reasons are persuasive, whatever they may imply to the President, and I am sure again he is using his very best judgment as he sees it because, one, I see no major support for these measures that are in the so-called program coming from sources which would be so strongly antagonized by civil rights legislation and, two, as in all national policy, you never get anything unless you give something.

There is a certain amount of legislative difficulty in the struggle over civil rights, but there also is an enormous gain to the country and an enormous gain to the country's standing in the world of which this legislation is a very critical component.

Now, Mr. Chairman, I shall conclude in a minute.

I, myself, have introduced, cosponsored, and worked hard for FEPC legislation. I pioneered legislation to prohibit unjust discrimination in employment because of age. I have bills, S. 350 and S. 351, pending on that in the Senate Labor and Public Welfare Committee, of which I am a member, and S. 352 in the District committee. I have also sponsored S. 2595, paralleling the Powell bill here, to withdraw Federal support from apprenticeship programs which deny equal opportunity.

I have sponsored a bill, S. 479, to put a statutory base under the President's Commission on Federal Employment Policy, headed by Vice President Johnson.

I have also joined with Senator Humphrey in S. 1258, an FEPC bill.

Now, a very important indication of what can be done and where we are going is found in the experience of the States. Experience in the State of New York and in other States having FEPC laws has now extended over such a long period of time as to answer decisively the doubters and critics regarding the effectiveness of such legislation.

It seems to me that this experience of the States is the most significant, the most important of any which can justify the substantive nature of the committee's approach to this problem.

I should like to submit for the record, without taking the committee's time to go into the details, a statement of the experience of the State of New York with FEPC laws, including, I might add, a law passed to put age discrimination right in the body of the FEPC law and also a set of interpretative rulings which indicates the way in which the discrimination-against-the-aged law is being administered.

I would, therefore, like to make part of my testimony a narrative statement as to our experience in New York, the law against discrimination as amended through April 24, 1961, in the State of New

York, and the case history with respect to age discrimination, and also, Mr. Chairman, I will include what the committee very well knows, something about the experience of other States in administering similar laws which it seems to me answers conclusively the arguments that it will be meddlesome, that it will upset employment relationships and the many other arguments which are made in this particular field and which actual working experience in the States demonstrates just are not valid.

I might say, too, Mr. Chairman, that this committee should be very much encouraged by a statement which I would like to read to it from the report of the New York State Commission Against Discrimination for 1960.

It seems to me that you gentlemen should get enormous satisfaction in what you are trying to do from hearing this kind of result, especially when you remember that our appellation of the Empire State is grounded in fact, that we have an enormously cosmopolitan area which could be a country all by itself in size and complexity and the diversity of its economy and in the diversity of its people. It is really a splendid example of the whole United States.

I think California is beginning to come into the same category. It, too, is becoming a tremendous replica of almost our whole Nation.

I shall conclude my testimony with this statement. This is from the "1960 Highlights, New York State Commission Against Discrimination."

The largest number of complaints was received in the area of employment. The hiring of a Negro flight stewardess by a major airline at the direction of the Commission came as a result of a complaint to the Commission in which probable cause was found and a public hearing ordered. The public hearing and subsequent determination attracted nationwide interest and coverage in press, TV, and radio. Investigation of a complaint revealed no Negro elevator operators in so-called luxury apartment buildings in New York City and led to conferences with the union involved and large real estate management firms to open new avenues of employment to nonwhites. A nationwide machine and instrument corporation which had argued that Negroes were not acceptable for employment at a training school for salesmen, since school employees share sleeping accommodations, hired three Negro workers during the time of investigation without waiting for a final determination on the case.

A single complaint lowered traditional barriers in the driver-delivery field with the employment of 30 Negro drivers by a major metropolitan parcel delivery service. Integration of the steward's department on ships of one of the largest commercial fleets was achieved through repeated conferences and conciliation efforts. Action on complaints also led to the employment of Negroes as cashiers in stores of a drug chain and outlets of an appliance and specialty chain. An armored car service corporation and respondent union agreed to adhere to a policy of full job opportunity for all qualified applicants without regard to race, creed, color, or national origin. The establishment of a high-priority program in the field of apprenticeship and inservice training was coupled with the publication and distribution of the Commission study "Apprentices, Skilled Craftsmen and the Negro: An Analysis."

Mr. Chairman, I mention this because we are not dealing in abstractions. We are not seeking to legislate in thin air. Here is the grass-roots record, things actually get done when you have a standard of law to which to repair and a genesis through which to resort.

So, Mr. Chairman, I close as I began, expressing much gratification to the chairman of the subcommittee and to Congressman Powell, the chairman of the full committee, for the enterprise and initiative of these hearings.

I think the bill which the Chair has put before the subcommittee covers the subject very effectively. There may be some things that might be suggested but on the whole it does the job that needs to be done.

I hope very much that the committee will follow through to the main committee and to the House floor and I would like to recall to the chairman that we have passed, we actually passed on the House floor what was called an emasculated, but none the less an FEPC bill, in 1949. I believe the year was 1949. It can be done.

In the Senate, Mr. Chairman—I now come to my own body—there are tremendous difficulties, tremendous struggles, but where there is a will, where the majority and minority leaders put their backs into it, where the President insists, it can be done, Mr. Chairman, it has been done. The breakthrough in Federal legislation has occurred in voting rights.

I do not believe that those who are deeply opposed to civil rights legislation look with too much fondness upon blocking it by the filibuster. I think the days of the filibuster are numbered both in fact and in law.

There will be another opportunity, Mr. Chairman, to do something about the filibuster rule when the new Congress comes in.

Therefore, I believe the hearings of this committee on this very critically important subject, one of the really great major targets of the struggle for equal opportunity, are entirely justified and should be pushed forward and should not just be academic but should be pushed forward to actual enactment of legislation.

Mr. ROOSEVELT. Thank you very much, Senator Javits. I think you have pointed up in a very practical way the importance of the action through legislation in this field.

I am particularly happy to hear your remarks regarding the other body because one of the subtle arguments which is being used against action by this committee and then by the House is that it is a waste of time, that it will be barred over in the other body.

I judge from what you have said you feel that if we write a good bill and we pass it, at least with a reasonable majority, such impetus, if followed through by proper assistance from all those who I think we can rightfully expect to give it an impetus, might well result in favorable Senate action on this bill also.

Senator JAVITS. I would say it is definitely the thing to do.

Mr. ROOSEVELT. We are very grateful to you.

Mr. Pucinski?

Mr. PUCINSKI. Senator, I welcome your testimony here this morning, too, particularly since I did not expect to find such a distinguished ally in a statement that I made earlier at these hearings today, that the basic responsibility for this legislation rests with the legislative branch of government, the Executive's action notwithstanding.

I am more encouraged by what you told regarding the prospects in the other body.

Senator, we held hearings in the State of New York, in the city of New York, in November. Even though the New York State law has been on the books now, I believe for 15 years, we have found an incredible pattern of hiring discrimination still existing in New York City and in New York State. The Anti-Defamation League gave us

some very valuable testimony in hiring discrimination practices in the banks in Wall Street and the insurance companies which will not hire Jewish people.

I am wondering if you can give us some clue as to what are the shortcomings, if any, of the New York law that we can correct in the Federal law.

Now, I must be fair with you, on the basis of testimony in New York. I came to the conclusion that it was not a defect in the law but rather a defect in the enforcement of the law by the responsible agencies.

Now, you may perhaps not agree with that conclusion. If my conclusion is incorrect, I wonder if you could show us where are the defects in your State law that we can correct in a Federal law.

Senator JAVRS. I do not think the defects—we are now speaking in the round and materially—I do not think the defects are in the law in a major way. I do not think the defects are in the administration in a major way.

I believe the defects are in our society. I think that you have to approach this as a matter of degree. One does not fire the police chief because there is crime in town. One fires the police chief if crime seems to be getting beyond the proportions which society is prepared to accept as a price for living in an organized society.

It is somewhat the same with this.

Certainly there is a serious continuing job discrimination. The question is how much have we gotten on top of the problem?

My only claim is, and I think it is sustained by the figures in the situation in New York, that two things have happened.

One, we have made material progress. People appear in jobs now in places where they never appeared before.

One of the most extraordinary examples in New York City and I am sure the Congressman visits there often enough to check my statement from his own experience, is the appearance of Negro salespeople in department stores. This is really a major breakthrough. The same is true in banks. The banks got over their unhappiness about the use of cafeterias and similar facilities. There have been major breakthroughs.

There is by no means a situation where we can say that there is no job discrimination in New York.

As I say, that is a question of degree.

So I believe that we are making effective progress on the problem. We have made a great deal of progress, there have been many major breakthroughs. We still have an enormous amount of work to do but the difference between us and the States which have no FEPC laws and the Federal Government is that you do have, No. 1, a standard and, No. 2, an agency, and you can beat the agency over the head and say it is not doing a good enough job, or the legislature is not giving it enough money, or violations of law are going unpoliced, but at least you have something to appeal to, somebody to talk to, something to deal with.

In so many States you have nothing except the exhortation of people of good moral conscience to do something about it.

So I believe that, comparing the experience of States like New York and other States which have similar laws, it bears out our view that

law is essential if you are going to begin to make measurable progress seasonably. And that is my only claim, not that law will eliminate segregation and discrimination in terms of employment opportunity, but just that it will make seasonable and measurable progress which cannot be made in the absence of law.

I do believe the record in New York bears out that finding. That is all I claim for it.

Mr. PUCINSKI. Now, you referred to the provision, the amendments that were adopted dealing with the discrimination on the basis of age. I want to see the case that you cited in your full statement. However, I presume from your reference to this subject that you would feel that this legislation at the Federal level, if we are to do an effective job in removing discriminatory practices in hiring, should include an age factor.

Senator JAVITS. I would like to see it very much. It is something which is especially close to my heart because I initiated it here when I was in the House.

I might tell you, too, that there is enormous support for some Federal law against discrimination because of age from rather interesting sources. Many of the fraternal organizations, the Eagles, for example, are all out in support. That is one of the big things they stand for and work for.

In addition, you have a very critical factor there of the effective employment of manpower. It is often overlooked that in a field with respect to Negroes there is an economic loss to the country which Oveta Culp Hobby, who certainly was no wild-eyed radical, estimated at \$30 billion a year in productive resource which we are missing.

In terms of age discrimination, I think that, considering the number of people involved and the skills involved, it would very likely be more than that.

So that there, too, you have allies because nondiscriminatory practices represent an economy in terms of the utilization of a national work force.

So that I would hope very much that the committee would give the most sympathetic consideration to the inclusion of age as indeed it is included in the New York law.

The reason that I submitted the New York law is to show how they handled it. You see, age discrimination came much later than the basic FEPC. All they did was put it right in the law with the same sanctions, same administration, same agency, treated it exactly the same.

Mr. PUCINSKI. I am very happy to hear you make this statement because I think you have put this whole subject in its proper perspective.

I would judge that the average American, when you speak of "FEP" thinks only in terms of this legislation being designed to remove the horrible practices of discrimination now being experienced by many in our communities, particularly the Negroes, where actually the testimony before this committee in Chicago, New York, California, and now here in Washington, shows that there is a wide pattern of discrimination in America over religious beliefs, over ethnic background, and now I would probably put next to discrimination because of race

and color, discrimination based on age. This has become, in my judgment, a national tragedy.

It would seem to me that no legislation can be really effective and meaningful to solve this problem of discrimination unless it does have a bar against discrimination because of age.

Senator JAVITS. I am certainly grateful to you for that expression of your views.

Mr. PUCINSKI. Thank you for your testimony, sir.

Mr. ROOSEVELT. Mr. Ayres?

Mr. AYRES. Senator, I welcome you back to this side. I trust that you are successful in getting the other members of your body to agree with your position. We are going to do our best, in my judgment, to follow through on what we believe to be essential. However, based on your observations of the other body, we may be taking an exercise here that will have to wait until after you have gotten over the trials and tribulations of this session because in all probability there will be another filibuster before you get a vote again; is that correct?

Senator JAVITS. I would just say, and I am now speculating, that the most appropriate occasion to test out the Senate rules comes at the opening of a new Congress. Considering the abortive fate of the effort to amend the rules in the last session of this Congress, it is inconceivable to me that a new effort will not be made at the opening of the 88th Congress. So I am sure we will have our shot at the effort to amend rule 22 at the opening of the next session.

Mr. AYRES. Thank you.

Mr. ROOSEVELT. Mr. Smith.

Mr. SMITH. I appreciate your detailed specific information here because it is important to us. I take it from your statement you do not think that rule 22 will be amended in this session of Congress, then?

Senator JAVITS. Well, I think that a fair answer to that question is that I believe that notwithstanding rule 22, we should have presented to us, if possible, a bill from this body on this subject.

Mr. SMITH. From the House, you mean?

Senator JAVITS. Yes, from the House. I think this could have tremendous connotations and would be very helpful in terms of getting Congress to act on civil rights legislation.

Mr. ROOSEVELT. Would the gentleman yield?

Mr. SMITH. Yes.

Mr. ROOSEVELT. Senator, is it not also possible that there might be on such a measure of this kind the votes available for cloture under existing rules in the Senate which perhaps might not be there for consideration of rule 22 at this time?

Senator JAVITS. Let us put it this way, Mr. Chairman. Naturally, you are as diffident as we are in discussing the rules in the other body. But I will say this to you: I certainly feel that the advantage of giving the Senate a civil rights bill upon which the country insists that it act, and I think it is almost inconceivable that the Senate could just lay aside a bill of that kind passed by the House, will compel us to deal with the subject.

We may very well, as we did in the voting bills, pound out a solution notwithstanding the overhanging threat of filibuster. I think that is so worthwhile that I would hope that that course would be followed.

I am here to testify this morning because I seriously hope and want to help that course to be followed. So that that is the argument separately from what can be done about rule 22.

Now, to move specifically to your question, the answer is "yes," I hardly believe it is likely that anything will be done about the Senate rules at this session. On the other hand, I have a great feeling of confidence that we will make another effort at the opening of the next Congress.

Mr. SMITH. Now, with regard to the New York law, do you think that it is effective enough that you do not need in New York some Federal legislation also or do you think the New York law is really an effective law?

Senator JAVITS. I think it is a very effective law and I think we have justified the position of leadership which the State has taken in the law and, remember, we have had Governors of both political views and during Governor Harriman's administration we had age put in but no other changes.

Now we have had with Governor Rockefeller a provision against discrimination in respect of private housing or a number of parts of private housing. So it has been that New York State Governors of both political persuasions have had a shot at it and they apparently, whether Democrat or Republican, have been satisfied with the law.

But in addition to all of that, the way your chairman has presented this bill I think gives an excellent accommodation to the State law. It presumes its effectiveness. If it is effective, then the Federal law is willing to let the State carry on. If it is not effective, then you have the Federal law.

I will express my confidence that it is almost inconceivable to me that any Federal administrator will not find the New York law certainly as effective as any Federal law could be and let New York go ahead with its program. Nevertheless, in the bill as submitted, whatever may be the final form of its language, certainly the basic idea is entirely sound, that if State law is effective, the Federal Government will let the State carry on.

Mr. SMITH. In effect, you do not think the Federal legislation if passed would have any effect upon New York?

Senator JAVITS. I do not think it would take New York further than it is but, remember that any kind of FEPC law—many of them are not particularly effective or adequate—is in effect only in 15 States. There is an enormous area without any such law. I think it does have an effect on New York in the sense that we compete with every other State in the United States.

Mr. SMITH. This matter concerns me because when we were up in New York on a juvenile delinquency study, we found that a great number of Negro boys said that they did not want to go on to school because if they did go on to school they would not get any better job anyway, they were discriminated against. If that is the case under the present law, and you do not think that this law would make any improvement in that situation, then the administration of the law must be considerably behind the provisions of the law itself.

Senator JAVITS. I think I answered that question to your colleague, Congressman Pucinski, because you cannot expect any law in a

matter as widespread and as deeply imbedded in our society as this one, to be perfect or to work perfectly over a given reasonable period of time while it is being developed.

I believe that a Federal law will help New York very materially for two reasons. One is that it will give the backup of the Federal law as a standard of effectiveness. I believe our law is effective but you may not think so. Congressman Roosevelt may not think so. Perhaps that view will prevail. I am not guaranteeing that our law will survive the test of effectiveness when laid side by side with the application of a Federal law. So, one, I think the backup of Federal law is very important to us and I welcome it and I think all our people would welcome it.

Mr. SMITH. You mean for the effect that having it in 49 other States would have?

Senator JAVITS. No, that is the second point.

The first point is that right in New York the backup of Federal law, I think, is excellent. The fact that we have to measure up in terms of the effectiveness of our law if we want it to be the applicable rule, that if it is not the Federal Government will take over, is good for us. I like it. I like the idea very much.

Secondly, the fact that a standard will be erected for the whole country is highly important. We will not be unique in this, and this again will strengthen and fortify the fact that this discrimination has to be routed out of our society.

For both reasons, as a New York Senator, I very strongly favor this legislation. I have no pride about our New York law except the pride of its being the first one, the pioneer, and pride in that I think it is doing a splendid job, not the best job possible but a splendid job as we stand now.

I deeply feel this.

Perhaps if you do have a Federal law, it will spur us to greater efforts. It could have that effect. I am delighted. All the more reason for having it.

Mr. ROOSEVELT. Senator, may I just add, I think your comments were excellent and certainly coincide, I think, with the views of the committee. There is one other point, though, which I think should be emphasized. For instance, in the report which you submitted from the New York State agency, they point out one of the accomplishments being the employment of a Negro stewardess in an airline. Yet the testimony in New York from the representatives of the commission, itself, pointed out that one reason they had not been able to go further than getting just one stewardess appointed was the fact that they then ran into the interstate commerce situation. This is undoubtedly true in many other areas in industry because an industry which may be doing a very large amount of business in New York may, nevertheless, be situated in its home office outside of New York and, therefore, difficult for the New York commission to really become effective in reaching. Unless that State desires to cooperate very carefully, and in many instances that is not the case, there is not the full effectiveness. This would come about under Federal law and working hand in hand with the State commission. It seems to me that in these areas of interstate commerce the agencies again would be more effective with a Federal law to back them up.

Senator JAVITS. I am very grateful to the chairman. It certainly adds, it seems to me, what is the decisive point here and that is that you would have a complete system of national law on the subject which is always the basic way in which to approach a national difficulty.

Mr. ROOSEVELT. Senator Javits, may I also join in commending your testimony? I certainly want to say that your leadership in the field of civil rights has been an inspiration to both sides of the aisle and I think both parties would admit your credentials of bipartisanship are unassailable. I don't believe anybody can question them. New York State is proud of your record in this respect as we are proud of our own record in New York State.

I might say as an aside that I look upon New York State as a leader in this field and when you are a leader those who come along behind, such as Illinois that got there last year, sometimes are obsessed by your imperfections.

The gentleman from New York has a long needle, Senator.

Mr. GOODELL. I also am very pleased that you pointed out that we in New York State feel a Federal FEPC law could help New York State very definitely.

Senator, speaking to the Senate side, and I appreciate your bipartisan approach on this, but the statement was made that there are subtle arguments against this legislation, that it is perhaps an exercise in futility because it is all going to get bogged down in the Senate.

Do you think that there is any chance at all of an FEPC bill in the Senate without the kind of drive and momentum and deep conviction of your general situation that can come only from the President?

Senator JAVITS. I never like to use the words, "only" or "forever," Mr. Goodell, but I thoroughly agree with you that an indispensable ingredient in the hope of getting any major civil rights legislation will be Presidential leadership, Presidential assistance and deep Presidential conviction that this must be done.

Mr. GOODELL. With reference to this rule 22, it is certainly true that in 1957 and in 1960, with strong Presidential leadership, we did get civil rights legislation through the Senate with the present rules?

Senator JAVITS. That is correct, but I would not say that that was the only reason. I think I would add in all fairness, because we are always trustees for the future in all these matters, even in my testimony this morning, that it was compounded equally of the determination of the President, the request of the President, and the fact that the leadership put its back into it. And there were some very momentous aspects of that matter: the leadership on the Republican side in the first instance in 1957, Senator Knowland's insistence, really got this bill on the calendar. I think it is fair to say it can never become law unless both leaders put themselves back of it as well as the President.

In 1960 I think again there was a repetition of that situation without so much the solo performance of Senator Knowland but nonetheless with very strong backing by both leaders. In addition, there was a historic ruling on the law by Vice President Nixon of which the historic aspects have not yet been recognized and which has not

yet been subjected to a vote in the Senate but which I think ultimately will be, that is that the Constitution prevents a Senate cloture rule from applying to the right of a majority of the Senate to change its own rules, certainly at the beginning of a new Congress.

Now this is a momentous constitutional question. We do have such a ruling by the Vice President. Again I say that in the aspects of history it has not yet been recognized for the historic milestone which it represents but I think it will be as we again get into a definitive debate on this subject. So I would say in order to preserve our own position of nonpartisanship, not only in the past but for the future, I would rather put it on the basis that the President's insistence, leadership, conviction, are an indispensable ingredient in any successful effort to get civil rights legislation.

Mr. GOODELL. Senator, I do not want to disturb the bipartisanship which you and I both feel is so important to this legislation but it is our obligation, as Republicans and as the opposition in this instance, to remind the President of his solemn binding commitments when he has made them and, as yet, not discharged them.

I know you have discussed this and talked about it and you would agree with me that the President did make the commitment when he was running for the Presidency, that this was going to be among the first orders of business, civil rights legislation, when he came into office, on a legislative basis.

Senator JAVITS. I don't think there is any question about the Presidential commitment in this matter. I do not believe that our desire to keep civil rights bipartisan or nonpartisan conflicts in any way with our obligation to tell the truth and with our obligation, whoever may be the President for the time being, to hold him to his commitment.

You are absolutely right about that. I spoke about it in my affirmative testimony. This needs to be reiterated and reiterated again. It is an absolutely sound position. If our friends in the majority should feel a little reserved about it, not because they have any less faith or desire to get civil rights than we, but because they are human beings and it is a difficult position to be in, then certainly there is an area in which we ought to take up the cudgels and beat the drums and see that the country is left in no doubt as to this commitment and the fact that it should now be performed. I feel that way very strongly myself and I am very glad to join you in reiterating it.

Mr. GOODELL. I think, Senator, in view of the early comments made by our chairman, that they have little worry about our side, they can depend on us to keep the heat on in this respect, the heat on the President, and I hope we will be joined by them so that we will get the kind of bipartisanship, leadership from the Executive and leadership from both sides here in Congress so that we can enact this law this year.

Mr. PRICINSKI. Will the gentleman yield?

Mr. ROOSEVELT. The Chair will have to be very strict about any beginnings of any partisanship wrangles. This is a subject which may have needles. I will be glad to recognize the gentleman from Illinois.

Mr. PRICINSKI. I was wondering if the gentleman from New York will commit himself to exerting the same type of prodding he talked about here on the President on the minority leadership of the Senate to get bipartisan support for this bill.

Mr. GOODELL. I believe the minority leadership of the Senate expressed itself on this question very recently.

Mr. PUCINSKI. Minority expression is one thing. Will the minority leadership in the Senate really give this legislation the all-out support it needs? As the Senator from New York said, this bill can be passed the President notwithstanding, if you have a real bipartisan approach to this bill in the other body.

Mr. GOODELL. If the chairman will permit me to answer, he asked me a question——

Mr. ROOSEVELT. I don't know what the question was.

Mr. GOODELL. He asked me if I could put the pressure on. I don't have much pressure to exert on the Senate leadership. But I think you can count on us not blinking at any failures on the part of our leadership in this respect and putting all the pressure possible on them if there is a failure.

I hope you are not blinking at the failures on your side right now respecting the President.

I thank you very much, Senator. I think your testimony has been very helpful.

Mr. PUCINSKI. I was very much impressed with your analysis of what effect Federal legislation would have in backing up State legislation. There are some 80 million Americans who are now covered by some form of FEPC legislation at the State level. Some less effective, some more effective, but nevertheless they are covered.

From your testimony today we can project your own experience in New York to show that this really has not created any serious upheavals in the local community when we see that 80 million Americans today are already covered by some form of legislation. I was wondering if you would care to express an opinion on the fact that you hear so often that this is a purely State responsibility and the opponents of Federal FEP legislation always hold this argument out, against centralization of government and various other arguments. Isn't it a fact that under the bill proposed by the chairman any State that passed its own FEP law and did a good job, as you have said yourself here today, would not be materially affected by any Federal influence.

The Federal influence would come only when they failed to do an appreciable job in this field. Is it not then valid to conclude that those who feel that there is some invasion of their State's rights are really without basis because we do permit them to set up their own State laws and administer these laws and only in the absence of State laws would the Federal legislation be effective.

Senator JAVRS. I thoroughly agree with you. I would only like to amend your statement by adding the words "reasonably good job," because I don't think the Federal standards, if we should pass such legislation as this, would be very exacting at all. On the contrary, I think the full intent of the Congress would be clearly expressed that wherever possible, if the State had a law, it will let them administer it and keep out of that place.

Mr. ROOSEVELT. Senator, thank you very much, sir. You have been very generous with your time and very helpful with the committee. The committee will stand adjourned until 10 a.m. tomorrow morning in this room.

(The documents and statement referred to are as follows:)

REPORT ON NEW YORK FEPC LAW BY SENATOR JACOB K. JAVITS

New York has the honor of being the first State to adopt a law against discrimination in employment. This measure was signed by Gov. Thomas E. Dewey on March 12, 1945, and it has served as the prototype for laws in 15 other States to combat discrimination in private employment. These States contain 50 percent of the Nation's population and almost 25 percent of its Negro population as well as a substantial proportion of our country's population of Mexican origin and a majority of our citizens of the Jewish faith. Hence, it can be safely said that the State laws against employment discrimination thus far enacted have made available to many former victims of employment discrimination a piece of legal machinery which they can invoke to assure themselves of equality in employment opportunity.

The States which followed the New York precedent in adopting legislation against employment discrimination are: New Jersey, Massachusetts, Connecticut, Rhode Island, New Mexico, Washington, Oregon, Minnesota, Pennsylvania, Michigan, Wisconsin, Colorado, California, Ohio, and Alaska.

Jurisdiction of the New York State Commission Against Discrimination, of which former Ambassador Ogden Reid is the present chairman, goes far beyond the subject of employment. In that field, however, SCAD jurisdiction covers discrimination by employers of more than six persons, by labor unions, and by employment agencies; and it operates not only against discrimination based on race, creed, color, and national origin, but also against discrimination because of age. It has scored notable successes in this effort. Great progress has been recorded in preventing discrimination in employment at the entrance level because of race, creed, color, and national origin. Nonwhites are now seen in every industry and every job category. This progress can be noted not only in heavy industry, but also in white collar jobs, such as supervisory and professional workers.

At the present time, the New York State Commission Against Discrimination is placing emphasis on nondiscrimination in the area of promotional opportunities so that the experience, skills, and work experience of minority group members may have the fullest opportunity. The commission has also made a study of the apprenticeship training opportunities available to Negroes and Puerto Ricans, and is working with employers, labor leaders, school people, and the broader community to expand opportunities for such apprenticeship training.

The concern for equal opportunity has been evidenced at the highest levels of our State government, and a code of fair practices, established in 1880 by executive order of Gov. Nelson A. Rockefeller, bars discriminatory practices within the operations of any official.

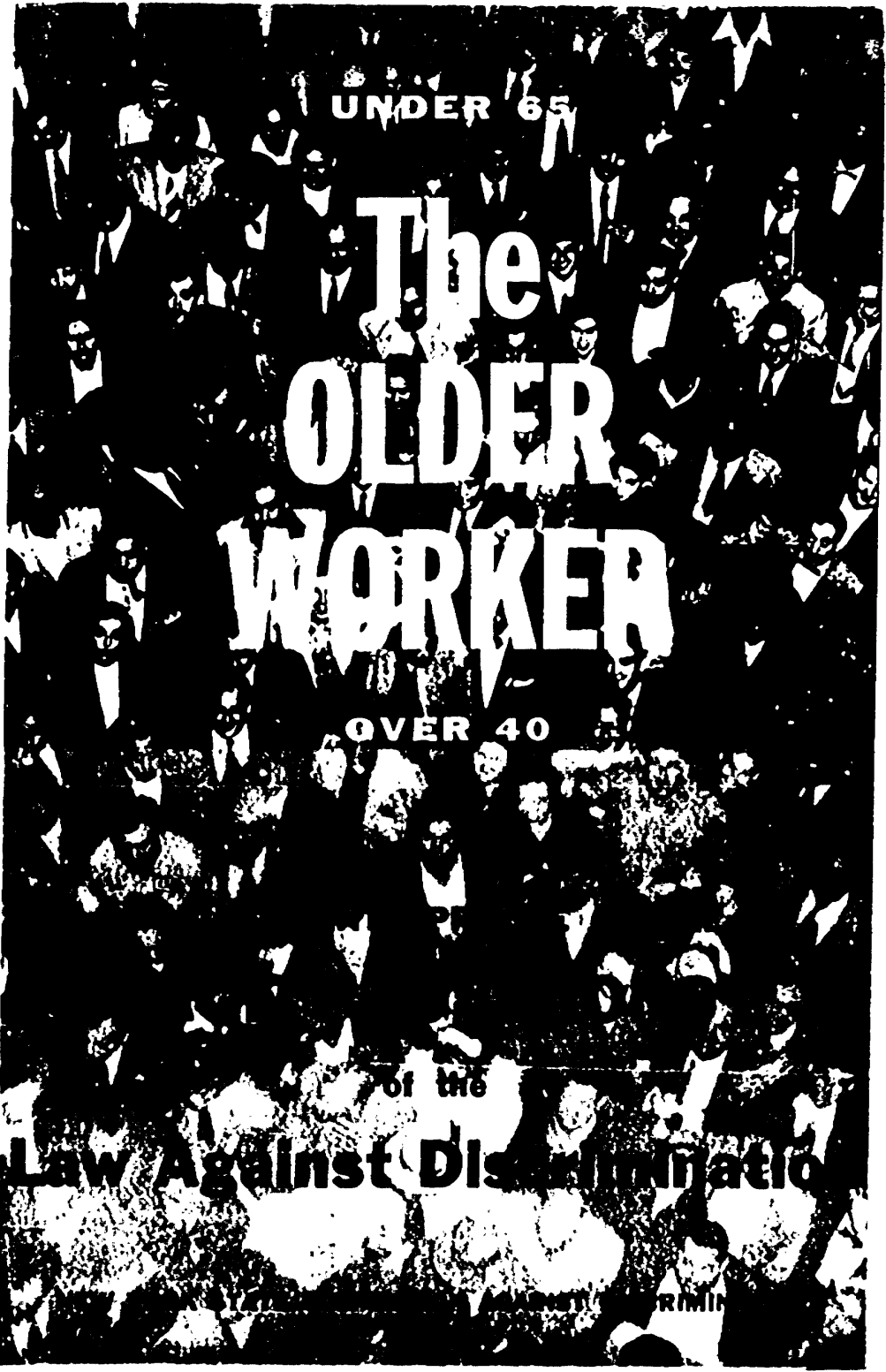
Discriminations because of age have also been the concern of the commission, which requires that a person who can do the job should not be denied the opportunity because he falls in the age brackets of 40 to 65. However, NYSCAD has granted exemptions based on bona fide occupational qualifications where certain kinds of work do in fact require younger workers. Action against discrimination in housing and public accommodations also comes within the jurisdiction of NYSCAD.

I ask permission to submit for the record at this point a document entitled "Statistical Report of Verified Complaints and Informal Investigations of the New York State Commission Against Discrimination," dated October 1961, which tabulates the case history of NYSCAD.

Statistical report of verified complaints and informal investigations, New York State Commission Against Discrimination, October 1961

	Total	Employment		Public accom- moda- tions	Housing	Other
		Age	Other			
1. October 1961:						
A. Verified complaints filed.....	104	5	47	10	41	1
New York.....	50	3	29	5	21	1
Albany.....	11		5		6	
Buffalo.....	11	1	11	2		
Long Island.....	2	1		1		
Rochester.....	1				1	
Syracuse.....	12		1	1	10	
White Plains.....	5		1	1	3	
B. Verified complaints closed.....	56	3	37	7	6	
C. Informal investigations opened.....	30	1	22	2	6	
D. Informal investigations closed.....	20		20			
2. Jan. 1, 1961-Oct. 31, 1961:						
A. Verified complaints filed.....	1 864	90	1 461	100	189	12
New York.....	461	48	240	50	113	10
Albany.....	74	4	44	14	11	1
Buffalo.....	1 131	13	1 108	9	1	
Long Island.....	25	4	7	5	9	
Rochester.....	30	1	21	6	2	
Syracuse.....	94	17	30	13	31	
White Plains.....	49	3	14	12	19	1
B. Verified complaints closed.....	851	83	551	119	92	6
C. Informal investigations opened.....	142	2	127	7	6	
D. Informal investigations closed.....	116	5	102	6	1	2
3. July 1, 1945-Oct. 31, 1961:						
A. Verified complaints filed.....	1 8,350	367	1 6,638	720	604	30
B. Verified complaints closed.....	7,509	202	6,199	616	475	17
C. Informal investigations opened.....	1,147	11	1,031	56	23	26
D. Informal investigations closed.....	1,002	10	911	43	13	25
4. Open as of Oct. 31, 1961:						
Verified complaints.....	1 760	75	1 439	104	129	13
Informal investigation.....	145	1	120	13	10	1

1 Revised: 2 Buffalo employment cases filed in August amended by adding a total of 3 party respondents.



UNDER 65

The OLDER WORKER

OVER 40

For the

Law Against Discrimination

U.S. DEPARTMENT OF LABOR • BUREAU OF LABOR RELATIONS

§ 296. Unlawful discriminatory practices.**1. It shall be an unlawful discriminatory practice:**

(a) For an employer, because of the age, race, creed, color or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For a labor organization, because of the age, race, creed, color or national origin of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(c) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

(d) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this article or because he has filed a complaint, testified or assisted in any proceeding under this article.

**3-a. It shall be an unlawful discriminatory practice:**

(a) For an employer or licensing agency, because an individual is between the ages of forty and sixty-five, to refuse to hire or employ or license or to bar or to terminate from employment such individual, or to discriminate against such individual in promotion, compensation or in terms, conditions or privileges of employment.

(b) For an employer, licensing agency or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination respecting individuals between the ages of forty and sixty-five, or any intent to make such limitation, specification or discrimination.

(c) For any employer, licensing agency or employment agency to discharge or otherwise discriminate against any person because he has opposed any practices forbidden under this article or because he has filed a complaint, testified or assisted in any proceeding under this article.

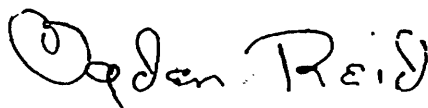
But nothing contained in this subdivision or in subdivision one of this section shall be construed to prevent the termination of the employment of any person who is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this subdivision; nor shall anything in said subdivisions be deemed to preclude the varying of insurance coverage according to an employee's age.

The Commission has formulated the following rulings as guides to interpretation of the age provisions of the New York State Law Against Discrimination to assist those seeking opportunities to work, employers, employment agencies, labor organizations, licensing agencies and others affected by the law.

These guides are intended as "working presumptions" in carrying out the purposes of the law. A Commission order enforceable by court proceedings can be made only after a hearing upon a complaint, as provided by the statute. In such proceedings, both the Commission and the courts must be governed by the facts in each case.

The Commission will, from time to time, review the guides to interpretation as experience indicates.

1961

A handwritten signature in cursive script, reading "Ogden Reid". The signature is written in dark ink and is positioned above the printed name "CHAIRMAN".

CHAIRMAN

A. PERSONS WHO MAY FILE COMPLAINTS.

Any person claiming to be aggrieved by an act of discrimination because of age in connection with employment, membership in a labor organization or in obtaining a license affecting opportunities for work, may file a verified complaint with the Commission. Discrimination because of age, as used herein, shall mean discrimination based on *over age*.

Examples:

1. An employer specifies that he wants a bookkeeper *under* 35 years of age. Since the age specification necessarily bars all applicants *over* 35 years of age, including those between 40 and 65, it is unlawful, under subdivision 1 and under subdivision 3-a of section 296 of the Law, unless the employer comes within one of the statutory exceptions.

Any applicant who is refused employment because of such an age specification may file a complaint with the Commission as an aggrieved person.

2. An employer specifies that he wants a bookkeeper *over* 35 years of age.

A 29 year old applicant refused employment because he is *under* 35 is *not* an "aggrieved person" within the meaning of the Law.

3. An employer specifies "15 years of experience required."

A 25 year old applicant refused employment is not an "aggrieved person" within the meaning of the Law, although the specification would bar him from employment.

**B. PRE-EMPLOYMENT INQUIRIES:
APPLICATION FORMS.**

The Law states that any inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to age shall be unlawful unless based upon a bona fide occupational qualification.

A pre-employment inquiry as to age on an application form shall be unlawful when made for the purpose of barring any individual or otherwise discriminating against him in employment.

Example:

An employer has a policy of not hiring persons over 35 years of age as file clerks regardless of individual abilities. The employer's application form asks the applicant's date of birth to fulfill this policy.

THIS IS UNLAWFUL

* * *

A pre-employment inquiry as to age on an application form will not be deemed to express a "limitation or specification" and will not be in violation of the Law when (1) the inquiry is made in good faith for a non-discriminatory purpose and (2) the application form states that the New York Law Against Discrimination prohibits discrimination because of age.

Examples of the lawful use of an application form with inquiry "state age" or "state date of birth" accompanied by the statement "The New York Law Against Discrimination prohibits discrimination because of age.":

- a. An employer requires age information in order to check upon an applicant's personal history, educational background or prior work record.
- b. An applicant is required to give his age to a medical examiner in connection with a pre-employment medical examination.
- c. An employer requires age information in order to carry out a policy of advising prospective employees of their potential rights under the employer's pension plan and insurance systems.

C. PRE-EMPLOYMENT SPECIFICATIONS AND ADVERTISEMENTS.

The general test as to whether an advertisement placed in a newspaper is lawful or unlawful is whether the advertisement states an age barrier excluding applicants over an indicated age.

1. The use of an age specification or limitation which bars workers over a maximum age is unlawful.

Example: "Wanted—Handyman between 30 and 40."
"Wanted—Stenographers, under 35."

2. The use of the word "young" in describing an applicant is unlawful.

Example: "Wanted—Young man."

"Wanted—Young woman."

D. BONA FIDE OCCUPATIONAL QUALIFICATIONS.

The Law provides for "a bona fide occupational qualification" in certain cases.

1. Consideration may be given to age as a bona fide occupational qualification in such circumstances, among others, as the following:

- a. Where age is a bona fide factor in connection with job performance.
- b. Where age is a bona fide factor in an apprentice training or on-the-job training program of long duration.
- c. Where age is a bona fide factor in fulfilling the provisions of other statutes (e.g. laws regulating employment of minors and females).

2. The Commission recognizes the necessity for giving employers a reasonable time in which to review their employment standards to determine those instances in which they believe that age constitutes a bona fide occupational qualification. At the same time, the rights of persons claiming to be aggrieved came into being upon the effective date of the Law, July 1, 1958.

Accordingly, the Commission has established the following procedure:

An employer may, at his option, file with the Commission a statement supported by the facts claiming the existence of a bona fide occupational qualification. When such statement is filed in good faith, the employer may put such bona fide occupational qualification into effect, with the understanding that if, upon review of the employer's operation in practice, the Commission disagrees with the employer, it will offer the employer an opportunity to correct his practices.

E. EMPLOYMENT AGENCIES.

An employment agency undertaking to fill a job order containing an age specification will share responsibility with the

employer placing the job order if it is determined upon complaint or otherwise that the age specification was not based upon a bona fide occupational qualification. The employment agency, however, will not be deemed by the Commission to be in violation of the Law, regardless of the determination as to the employer, if the employment agency acts in good faith to comply with the Law and does the following:

makes and maintains a written record, available to the Commission, of each job order which it seeks to fill upon the basis of a claim of bona fide occupational qualification. Such record shall include the name of the employer, the description of the job and the basis of the claim for bona fide occupational qualification.

An employment agency may use an application form containing the inquiry "state age" or "state date of birth" provided that (1) such inquiry is accompanied by the statement "The New York Law Against Discrimination prohibits discrimination because of age," and (2) the information obtained is used to fill job orders with age specifications only under the above procedure.

F. PRE-EMPLOYMENT PHYSICAL EXAMINATIONS.

Pre-employment physical examinations relating to minimum physical standards for employment are lawful, provided the minimum physical standards are reasonably necessary for the work to be performed and are uniformly applied to all applicants for the particular job category.

G. TERMINATION OF EMPLOYMENT BECAUSE OF INABILITY TO PERFORM DUTIES.

An employer may terminate the employment of any person who is physically unable to perform his duties.

Examples:

1. An employer has prescribed minimum physical standards as a condition for continuance in employment. Such minimum standards are reasonably necessary for the work to be performed and are uniformly applied to all employees in the particular job category. An employee is found, upon medical examination, to be unable

to meet such minimum standards and his employment is terminated.

THIS IS LAWFUL

* * *

2. As a result of a physical or mental condition, an employee is found, upon due examination of his work performance, to be unable to perform his duties. Such disability is not temporary and is substantial. The employer terminates the employee's employment.

THIS IS LAWFUL

* * *

3. An employer establishes the policy of terminating the employment of every employee in a routine job category upon such employee's reaching the age of 60. The employer asserts that such policy is based upon his general belief that persons over the age of 60 usually become physically unable to perform the duties required in the job category in question.

THIS IS UNLAWFUL UNLESS THE EMPLOYER CAN ESTABLISH (a) THAT HIS GENERAL BELIEF HAS A SUBSTANTIAL BASIS IN FACT AND (b) THAT IT IS NOT PRACTICABLE TO PASS UPON EACH INDIVIDUAL EMPLOYEE'S QUALIFICATIONS.

* * *

4. An employer establishes the policy of terminating at age 60 the employment of every employee in a highly specialized occupational category demanding a high level of physical qualification, without reference to the actual physical condition at terminal age of the particular employee in such job category.

THIS IS LAWFUL IF THE EMPLOYER CAN ESTABLISH THE SPECIALIZED CHARACTER OF THE JOB CATEGORY AND THE REASONABLENESS OF THE COMPULSORY TERMINATION AGE (e.g., AN AIRLINE WHICH REQUIRES THE AUTOMATIC TERMINATION OF

THE EMPLOYMENT OF ALL PILOTS AT AGE 60, WITHOUT REFERENCE TO THE INDIVIDUAL'S PHYSICAL CONDITION AT TERMINAL AGE.)

* * *

H. RETIREMENT POLICY OR SYSTEM.

(a) A compulsory retirement age specification shall not be deemed unlawful where it is part of a bona fide retirement policy, plan or system which was established before July 1, 1958 and provides for retirement benefits.

Examples:

1. An employer has a funded retirement plan which provides for compulsory retirement and the receipt of retirement benefits at age 60. The plan was established before July 1, 1958, has been filed and found qualified under the Internal Revenue Code and has been uniformly applied to those under its coverage. A qualified employee reaches 60 years of age and his employment is terminated pursuant to the retirement plan.

THIS IS LAWFUL

* * *

2. An employer has a retirement policy which provides for compulsory retirement at age 60. The employer does not have a funded pension plan, but does have a policy of paying pension benefits on a non-funded pay-as-you-go basis. The policy as to compulsory retirement and the payment of retirement benefits on a non-funded, pay-as-you-go basis has governed the employer's operations for a substantial period prior to July 1, 1958, the effective date of the age amendment to the Law Against Discrimination, and such policy has been communicated to and uniformly applied to all employees. A qualified employee reaches age 60 and his employment is terminated pursuant to the retirement policy.

THIS IS LAWFUL

* * *

(b) Where a compulsory retirement age, below age 65, is part of a retirement policy, plan or system, which provides for

retirement benefits but was established after June 30, 1958, the employer will be called upon to justify the reasonableness of the specified compulsory retirement age in relation to (1) the employer's over-all employment policy and (2) the particular occupational category to which it applies.

(c) Where a compulsory retirement age, below age 65, is part of a retirement policy which is not coupled with retirement benefits provided by the employer, the bona fides of the policy will be determined in each case by the following and any other relevant criteria :

1. The date of the establishment of the policy ;
2. The history of the administration of the policy ;
3. Whether and when the policy was reduced to writing and made known to existing employees and applicants for employment ;
4. The reasonableness of the specified compulsory retirement age in relation to (1) the employer's over-all employment policy and (2) the particular occupational categories to which it applies.

I. MAXIMUM ENTRANCE AGE.

The existence of a provision in a retirement plan stating a maximum eligibility age for entrance into a retirement plan shall not in itself authorize rejection of an applicant who is over the maximum eligibility age for the retirement plan, provided, however, that the compulsory retirement age provision set forth in the retirement plan may be made applicable to such employee.

Examples:

1. An employer has a bona fide retirement plan or system which provides for a maximum entrance age of 40 and a compulsory retirement age of 65. A qualified applicant for employment, age 41, is rejected for employment on the basis that he is ineligible for the employee's retirement plan. The employer asserts that he does not choose to employ anyone who is not eligible for such plan, although the employer could do so without causing the plan to become disqualified under the Internal Revenue Code.

THIS IS UNLAWFUL

2. An employer has a bona fide retirement plan or system which provides for a maximum entrance age of 40 and a compulsory retirement age of 65. A qualified applicant for employment, age 41, applies for employment. The employer advises such applicant that he will be accepted for employment but that the terms of his employment must provide for exclusion from the retirement plan and compulsory retirement at 65 (or that the employee will receive some form of reduced benefits upon retirement at age 65 based on his entrance age).

THIS IS LAWFUL

* * *

J. COSTS.

The claim that the employment of persons after a specified age will affect a retirement policy or system, in the sense that it will increase the costs of the retirement policy or system of the employer, will be accepted only if the employer can demonstrate that the increase in costs will be so substantial as to materially affect the terms and provisions of the plan. Each case in which such a claim is asserted will be determined upon its own facts and circumstances existing at the time the claim is made; and each determination will be subject to review from time to time to determine if there has been any change in circumstances.

K. INSURANCE COVERAGES.

An employer may vary insurance coverages according to an employee's age, and such varying of insurance coverages may apply to persons between the ages of 40 and 65, or any age.

Example:

An employer establishes a life insurance plan under which the benefits are an amount equal to two years' straight time earnings up to age 60 with a gradual reduction thereafter to an ultimate of one year's straight time earnings at age 65.

THIS IS LAWFUL

(Whereupon, at 12:35 p.m., the subcommittee was adjourned, to reconvene at 9:30 a.m., Thursday, January 18, 1962.)

EQUAL EMPLOYMENT OPPORTUNITY

THURSDAY, JANUARY 18, 1962

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10:25 a.m., pursuant to adjournment, in room 429, Old House Office Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Roosevelt, Dent, Smith, Ayres, and Hiestand.

Also present: Representatives Vanik and Keith.

Don Lowe, subcommittee director; Adrienne Fields, subcommittee clerk; Richard Burress, minority clerk, Committee on Education and Labor; Leon Abramson, assistant counsel, Investigative Task Force, Committee on Education and Labor; and Tamara Wall, assistant counsel, Committee on Education and Labor.

Mr. ROOSEVELT. The committee will come to order, please.

The committee this morning has the pleasure of welcoming as a very distinguished guest, Mr. Franz Olah, the president of the Austrian Trade Union Federation. Mr. Olah, I want to welcome you to our hearing and to tell you that inasmuch as you have been in the position of deputy chairman of the Austrian Socialist Party and Vice President of the Austrian Parliament, a member of the coalition committee, perhaps much of what goes on here will already be familiar to you.

I would say just in passing, for the benefit of my Republican colleague on this side, that Mr. Olah resigned his parliamentary position due to a dispute over the Federal budget. I am not suggesting that my colleague on this side do that but I want to point out it was done out of a matter of principle.

We are happy to have him here because we, too, are studying a matter of principle.

Our first witness this morning is Mr. Lewis H. Weinstein, the chairman of the National Community Relations Advisory Council. I want to welcome you here, Mr. Weinstein, as an old friend from Massachusetts days and to tell you we are very happy to have you with us, sir. We apologize for the delay in getting started. I apologize to my Republican colleagues, also. The President invited a number of us to have coffee with him this morning and I am sure they will forgive me if I say we took advantage of it.

Mr. Weinstein, why don't you proceed, sir? Make yourself comfortable.

STATEMENT OF LEWIS H. WEINSTEIN, CHAIRMAN, NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

Mr. WEINSTEIN. Thank you very much, Mr. Chairman and members of the subcommittee. The chairman was good enough to refer to my hometown, home State of Massachusetts. The National Community Relations Advisory Council which I have the honor to serve as chairman, which I will call NCRAC, is a policy-forming and coordinating agency for six major national Jewish organizations and 60 State, county, and local Jewish councils in all parts of the United States.

Among the constituent national organizations of the National Community Relations Advisory Council are congregational bodies representing the three wings of religious Judaism—the Union of American Hebrew Congregations (reform), the Union of Orthodox Jewish Congregations of America, and the United Synagogue of America (conservative)—and organizations reflecting various civic interests—the American Jewish Congress, the Jewish Labor Committee, and the Jewish War Veterans of the United States of America.

All the constituent organizations of the National Community Relations Advisory Council, national and local, seek to promote good Jewish community relations. That is to say, they seek to create conditions in which individual Jews may enjoy equality of rights and opportunities with all other individual members of society and in which the Jewish group, as a group, may foster its distinctive group values while participating fully with other groups in the general life of our Nation. We are convinced that equal opportunity for Jews and a distinctive Jewish group life are best assured in a society which accords equality and justice to all, and in which individual freedoms and religious liberties are secure. Accordingly, we seek to foster equality of opportunity for all without regard to race, color, religion, or origin; to promote religious freedom and separation of church and state; to advance freedom of speech, press, and assembly; and to encourage amicable relationships among groups with respect for difference.

Discrimination in employment is an old story insofar as Jews are concerned. In our country, happily, Jews confront no legal bars to equal economic opportunity, nor are they subjected to the indignities of legally enforced segregation suffered by Negroes and other Americans of color. Discrimination, however, as we all know, takes many forms other than legally imposed restrictions; and the occupational structure of Jews in the United States derives in no small measure from the discriminatory barriers that have been imposed against Jewish jobseekers.

The final report of the President's Committee on Government Contracts, covering 7 years of operation through 1960, shows that of all complaints filed with the Committee, 23.4 percent charged discrimination on the basis of religion and that, of these, almost all involved discrimination against Jews. Similarly, a review of reports of State fair employment practice agencies reveals that the second most numerous category of complaints alleged discrimination against Jews.

Yet complaints do not constitute an adequate index of discrimination. Contrary to the common assumption that minorities tend to be overly sensitive and to complain of discrimination where it does

not in fact exist, we know that many of those who do encounter discrimination are unwilling to file complaints, either because they are reluctant to become further involved in unpleasant experiences, for fear that they may endanger opportunities for future employment; because the aggrieved individuals are unfamiliar with the remedies and channels for redress available, or because they feel that followup will prove futile.

While discrimination against Jews may be more pronounced in certain industries than others, what is more striking is the extent to which such discrimination cuts across industrial lines. Herein lies one of the striking and distinguishing characteristics of discrimination against Jews. For the unique pattern of discrimination against Jews derives principally from the fact that it follows no set pattern. Discrimination against Jews varies industry by industry, firm by firm within each industry, department by department within each firm. Jews are found at every level of occupation and are similarly discriminated against at every occupational level. One industry will accept Jews in sales positions while another will accept Jews at every level except sales.

Discrimination against Jews, unlike discrimination against Negroes, is rarely manifested in a policy of complete exclusion, or even in a conscious policy of token employment. Some Jewish workers, occasionally in high positions, will be found in most large firms. Attempts at investigation, therefore, almost invariably are countered by references to such employees, and questions about departmental or occupational breakdowns are easily turned aside with the statement that such figures are not available. But while the deletion of references to religion from application forms provides discriminatory employers with a readymade alibi, such data as surnames, residential neighborhood, and parents' nationality are clues by which Jewish jobseekers easily can be and frequently are singled out and discriminated against.

The subtlety with which discrimination against Jews is practiced, the difficulty of obtaining statistical proof, the known success of individual Jews, the lack of widespread unemployment, the greater severity of discrimination against Negroes, all have tended to obscure the extent to which Jews are denied equality of job opportunity.

As Jews, we are committed by immemorial tradition to a deep regard for the sanctity and inviolability of the individual person. From this tradition we derive a special concern for the preservation of human rights. This concern is to us an expression of faith, and of a venerable cultural heritage. Even if Jews enjoyed full equality, therefore, we would still be concerned about discrimination against any group on grounds of race, color, religion, or origin.

Our support of Federal fair employment legislation is of long standing. Indeed, the very first meeting of the plenum of the NCRAC in 1944 adopted a resolution in favor of such legislation. Subsequent meetings of the plenum, which is the delegated representative body of all the constituent organizations, both national and local, have adopted similar resolution. We have testified in favor of Federal fair employment legislation at every hearing on such legislation conducted under the auspices of Senate and House committees.

Just as advocacy of such legislation is not new to us, so the con-

sideration of such legislation is not new to the Congress. Bills for the prohibition of employment discrimination have been introduced into every Congress since the 78th. Hundreds of witnesses, including religious leaders of all persuasions, constitutional authorities, sociologists, economists, labor leaders, and businessmen, have presented thousands of pages of testimony in support of such legislation. And every report that has issued from a House or Senate committee has recommended the enactment of fair employment legislation.

In going through a number of these past reports last evening I looked at one of the 83d Congress which bore as a signatory Senator John F. Kennedy. As far back as 1944 the Republican Party platform pledged "The establishment by Federal legislation of a permanent fair employment practice commission."

The Democratic Party platform as early as 1948 and as recently as 1960 contained equally explicit pledges.

Mr. ROOSEVELT. Mr. Weinstein, the report which you referred to a minute ago signed by Mr. Kennedy, would you give us that just in case we have not had it presented to the committee for our records?

Mr. WEINSTEIN. I will be delighted to. This is the one of the 83d Congress, 2d session. The heading is "Federal Equality of Opportunity in Employment Act." As I read the report of the committee there was only one disinterested member. All the rest signed it, headed by Senator Ives.

Mr. ROOSEVELT. I will ask the staff director if he will make a report number available to the members of the subcommittee.

Mr. WEINSTEIN. I was referring to the party platforms of the Democratic Party and Republican Party and referring last to the 1960 Democratic Party platform with the explicit pledge of the establishment by Federal legislation of the Fair Employment Practices Commission.

In 1946 and again in 1950, a majority of the Senate expressed itself in favor of taking up such legislation. Yet, no fair employment practice bill has ever been brought to a vote in the Senate, because the filibuster has been employed to frustrate the purpose and the will of that body. In the House, despite favorable committee reports, the Rules Committee has never granted a rule to bring the question to the floor.

Considering the foregoing history, the question before this committee would seem to be not why should such legislation be enacted by the present Congress, but, rather, what possible reasons can there be for not enacting such legislation.

Can it be maintained that discrimination in employment has declined to such a point as to make the legislation unnecessary? Such a contention would be patently absurd. During the past several years, various aspects of the problem have been subjected to detailed study by both governmental and private agencies. Taken together, these studies constitute an unimpeachable body of objective evidence. Every such study, whether under public or private auspices, whether of a locality or of an industry, whether of hiring or upgrading, has led to the inescapable conclusion that discriminatory employment practices are widespread throughout the Nation.

The substance of many of those studies has been reported to this committee by witnesses, including witness for some of the constituent

agencies of the NCRAC, in the course of its hearings in various parts of the country. To repeat or review it here would be to presume on the committee's time and clutter its record. Let it suffice to cite the conclusions reached by the Commission on Civil Rights, created by act of Congress, in a report based on exhaustive and painstaking investigation and published within the past few months.

Negro workers continue to be concentrated in the less skilled jobs—the Commission concludes.

And it is largely because of this concentration in the ranks of the unskilled and semiskilled, the groups most severely affected by both economic layoffs and technological changes, that Negroes are also disproportionately represented among the unemployed. The recent recession made this all too clear. But even now Negroes continue to swell the ranks of the unemployed as technological changes eliminate the unskilled or semiskilled tasks they once performed. Many will be permanently or chronically unemployed unless some provision is made for retraining them in the skills required by today's economy. The depressed economic status of Negroes is the product of many forces, including the following:

Discrimination against Negroes in vocational as well as academic training.

Discrimination against Negroes in apprenticeship training programs.

Discrimination against Negroes by labor organizations, particularly in the construction and machinists' crafts.

Discrimination against Negroes in referral services rendered by State employment offices.

Discrimination against Negroes in the training and employment opportunities offered by the armed services, including the civilian components.

Discrimination by employers, including Government contractors and even the Federal Government.

Related to all of these is a basic problem that contributes to the limited extent and type of Negro employment, the lack of motivation on the part of many Negroes to improve their educational and occupational status. Generally, of course, lack of motivation is itself the product of long-suffered discrimination.

Throughout the Commission study, the vicious circle of discrimination in employment opportunities was clear: The Negro is denied, or fails to apply for training for jobs in which employment opportunities have traditionally been denied him; when jobs do become available, there are consequently few, if any, qualified Negroes available to fill them; and often, because of lack of knowledge of such newly opened opportunities, even the few who are qualified fail to apply.

Like the fact of employment discrimination, the harm done by such discrimination has likewise been repeatedly spread upon the record. The welfare of individual citizens, the purchasing power upon which our economy rests, the efficacy of our defense efforts, and our leadership of the free world, all these have been shown to be affected adversely by the denial of job opportunities to American citizens because of race, religion, or national origin.

Some opponents of previous efforts to enact fair employment practices legislation questioned whether action against employment discrimination was a proper function of government. Obviously there are some realms of employment which should not be submitted to governmental scrutiny. But there can be little argument about government protection for minorities in those aspects of employment relations which already are subject to regulation, such as hours, wages, labor representation, and so forth. We have enacted legislation declaring that employers may not hire children because we need an educated electorate. We have enacted legislation providing that employers must furnish safety measures because we need a healthy citizenry. We must now, by legislation, say that employers may not

discriminate against qualified workers for reasons of race, religion, color, or national origin or ancestry, because we need a unified, democratic America.

Can there any longer be any question that employment discrimination can be remedied by fair laws, wisely administered? The successful experience of 20 States and a much larger number of municipalities, reaching back over a period of more than 16 years eloquently supplies the answer. Experience under these laws shows that minority groups find employment in industries previously closed to them; that questions about race, religion, national origin and other matters irrelevant to ability disappear from employment application forms; and that minority group workers are admitted to membership in unions from which they were formerly excluded.

Complaints of employment discrimination have been handled without friction. Even where no complaints were filed, employers have voluntarily changed their employment policies, finding that it pays to do so. Businessmen and personnel managers have given enthusiastic endorsement to laws that many of them looked forward to with trepidation. This experience gives the ultimate, unimpeachable answer to those who continue blindly to oppose fair employment legislation on the ground that it is unworkable. The horrendous effects that we picture have been shown to be only figments of the imagination.

Some have argued that the solution of this problem should be left to the States. The organizations in the NC'RA' have actively supported the enactment of State fair employment practices laws and strongly favor the extension of such laws. Unfortunately, it is precisely in those States in which discrimination is most prevalent and most severe that legislation against such discrimination is most conspicuously lacking and least likely to be enacted.

State laws are supplementary to, not substitutes for, Federal action. There are no economic bulkheads between States and unemployment is no respecter of State lines. We have recognized that the free flow of commerce is impeded by State barriers and have eliminated interstate tariffs. Are we to do less in the realm of human rights? Relevant in this connection is section 10a of the draft bill being considered by this committee. This section would empower the Commission that would be created by the bill to—

refrain from asserting its jurisdiction over any cases or class of cases, if there is any State or local agency which, in the judgment of the Commission, has effective power to eliminate and prohibit discrimination in such cases and is effectively exercising such power.

This clause should put a quietus on that part of the opposition to Federal fair employment legislation which raises the cry that such legislation would infringe upon States rights. It clearly bespeaks the intent of the framers of this bill to permit the States to exercise jurisdiction over employment practices whenever and wherever States adopt effective legislation to protect the rights of all citizens to equality of employment opportunity.

There is ironic significance in the fact that the States which have taken no such action are those that inveigh most stridently against invasions of States rights, whereas 12 Governors, both Democrats and Republicans, of States with comprehensive laws against discrimina-

tion in employment, at a conference in December 1957, called upon Congress to establish a Fair Employment Practice Commission with adequate power to deal with discrimination in interstate commerce.

Finally, can any question still remain about the indispensability of effective enforcement provisions? Opponents of enforcement provisions have consistently denounced these as "compulsion." The issue is and always has been a false one. The measure that this committee now has before it declares the right to equal opportunity to be a civil right. Any legislation, to be effective, must necessarily provide for the protection of that right; otherwise its enactment is meaningless, and the right an illusory one. The Commission on Civil Rights, in the report I cited previously, had this to say:

Mere statements of policies—pronouncements of good intentions though they be—do not end discrimination. Indeed, unenforced policies may even be harmful.

The 12 Governors previously cited concluded that the success of the fair employment practice laws in their States was due largely to their provisions for conciliation, coupled with enforcement. Even more significant, perhaps, is the fact that States whose laws lacked enforcement provisions have since enacted such provisions by amendment.

We find ourselves wholly in accord with the Committee on Education and Labor of the House of Representatives of the 81st Congress, which, in its favorable report on a then pending fair employment practice bill quoted Daniel Webster to the effect that "a law without a penalty is simply good advice."

Deprivation of any citizen of any of his civil rights is reprehensible and should be corrected. But no right is more fundamental than the right to work, to seek and hold employment, and to enjoy the opportunities for advancement, on the basis of equality. In our economic order, the right to work is the right to survive as an independent, self-respecting person. This right, accordingly, is inseparable from all other rights; without it, other rights lose meaning or purpose.

The need for Federal fair employment practice legislation is serious and growing, and on every ground of morality, economic self-interest, and national self-respect, such legislation is long overdue. This Congress has the responsibility—the opportunity—to meet this need, to satisfy this public demand, to take this wise and courageous action. I urge you, gentlemen, to report the bill which is before you promptly and favorably, and to throw all your influence to its support, to the end that it may be enacted into law in this session of the Congress.

I was delighted to see just come up to the group of Congressmen sitting a distinguished Member of Congress from Massachusetts who, when he was a State senator, was very active in the promotion of fair employment practice and related legislation in the Commonwealth of Massachusetts.

Thank you very much, Mr. Chairman.

MR. ROOSEVELT. Thank you very much, Mr. Weinstein. We very much appreciate your testimony reflecting as it does the views of a good many organizations not only on the national level but at the grassroots. I think you have stated the problem accurately and very clearly.

I would like to just call your attention, however, that in this bill, of

course, we have broadened it particularly to include discrimination because of age.

Mr. WEINSTEIN. I noticed that.

Mr. ROOSEVELT. Just for the record, I want to be sure that that omission on your part in mentioning the purposes of the bill does not imply that you are against the inclusion of that prohibition.

Mr. WEINSTEIN. Actually, the issue of discrimination on account of age is one that really does not fall within the framework of our organizational interests.

I might say that in Massachusetts we do have in our State Legislature such a provision. If I were asked personally for my views, I would certainly endorse those provisions. I know of no reason why we would oppose it.

As I say, our interest is primarily in the interest of community relations, the work of one group with another and strengthening of equality opportunities where age has not been an element for our special consideration.

Mr. ROOSEVELT. Thank you, sir.

May I introduce and welcome two very distinguished Members of the Congress who are not members of this committee.

On my right is Hon. Charles Vanik, Congressman from Ohio.

In a few minutes, if I may, I will recognize you and ask you to make a statement to the committee, if that is your desire.

Mr. VANIK. Thank you.

Mr. ROOSEVELT. On my left is Hon. Hastings Keith from Massachusetts, whom we have already referred to.

We are happy to have both of these gentlemen. If they care to participate in the subcommittee proceedings, we will be happy to have them do so.

The usual proceeding is after the witness has made a statement to let the members interrogate briefly and then we will go on and give you a chance to interrogate.

Mr. Dent?

Mr. DENT. Inasmuch as this is the first national legislation in this particular area, do you believe that for the future effectiveness of the legislation we ought to eliminate any areas where discrimination is part of our problem? In other words, do you think this legislation ought to be restricted to that which is now contained with the bill or should it cover the whole field of discrimination, including age, including sex, including ethnic background and all of the known discriminatory features in our makeup?

Mr. WEINSTEIN. Our interest is primarily in those discrimination and the elimination of them which deal with race, religion, national origin, ethnic group, and so forth.

We believe that this, in view of the declared purpose of our democratic institutions and the form of our Government, is primary.

Obviously, any other discriminations which are not based on merit or ability also ought to be avoided, but our primary concern is in the field of community relations, to have each person have the fullest opportunity to develop irrespective of his own individual background, his race or religious belief.

So I say that is entitled the primary concern. But beyond that which goes beyond the interest of our own organization, we say these

are considerations which the Congress certainly has the power to consider, and which I hope individually the Congress will include within its reported bill.

Mr. DENT. Is it not conceivable that with the added impetus to automation and the elimination of a great number of the work force that the practice now in vogue in many industries of having a set age limit for employment purposes, might be used to cover up the discrimination as to sex and color and race and other groupings. In other words, if they can discriminate on account of age and they have the right to take whom they please at an age limit but the right to refuse them because of the age limit, might it not be that age might be the most important feature to be covered by this legislation inasmuch as it gives the cover for other discrimination?

Mr. WEINSTEIN. I think there is great merit in what you have said, Congressman Dent. We have found, as a matter of experience in most cases the first discrimination, concerning which there have been State enactments, have been those due to race, color, national origin. Then thereafter, because State legislators and the executives who are responsible for putting the enforcement behind the legislation, found that age was an element which followed and obviously, as you have pointed out, it is integrated with this whole problem. That has been the experience of some of the States.

Mr. DENT. Thank you.

Mr. ROOSEVELT. Mr. Ayres?

Mr. AYRES. I have enjoyed your statement very much, Mr. Weinstein. I share most of your views.

Your former distinguished legislator from Massachusetts, now a distinguished Member of Congress, just handed me a note here, how old do we have to be to be a Congressman, do we not discriminate? By the same token, do we not discriminate and perhaps wisely so in the military program where we force men to retire because of age?

Mr. WEINSTEIN. I would like to answer the distinguished Congressman from Massachusetts through you and the rest of the committee as follows: The age discrimination that is referred to in this bill has provisions within it that make age alone as the factor in discrimination.

Now, obviously, the Founding Fathers in their wisdom felt that below a certain age in general there might be the lack of maturity, the lack of experience, the lack of wisdom, so they imposed certain constitutional restrictions upon the age when a person should first become eligible to be a Member of Congress.

The problem, I think, that the bill would hope to help solve and, as I pointed out before, these are my individual views because our organization has not taken a position on that, is that to refer to what Congressman Dent said, to make sure that beyond a certain age, so long as a person is capable of performing the work, he has the ability to perform, there should not be discrimination because of age.

So far as the other end of the time schedule, the end of service, I think that Congress, in its wisdom, and the military establishment have felt that after a certain number of years, depending on the grade of officers, that may be in general they are not available for their fullest and most efficient performance. I am gradually approaching that age, so I perhaps had better not comment on that.

Congressman Keith and I are both members of a Reserve unit in Massachusetts and the day will soon be coming when that age axe will fall on me, so I might say it could be considered too personal.

Mr. ROOSEVELT. We want to thank you again. I am particularly happy to see that you have studied the bill so carefully because that is exactly why the bill was very carefully drawn to preclude haphazard penalties for discrimination on age. We recognized the problem and wrote the bill very carefully. There are certain occupations, for instance, where age would be a definite handicap.

We have made as a complete defense against any charge of discrimination the particular real circumstances under which it is practiced.

Mr. WEINSTEIN. I want to thank you very much for the opportunity of appearing here.

Mr. ROOSEVELT. We have very much enjoyed having you with us.

Congressman Vanik?

I might say for the record that Congressman Vanik has represented for a good many years now a very metropolitan area in the city of Cleveland, Ohio, and I think is probably as well prepared as anyone to know, because of the makeup of the district he represents, the inroads which discrimination makes in employment.

We are very happy to have you here, particularly because I think you can qualify well as an expert in this field.

STATEMENT OF HON. CHARLES A. VANIK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. VANIK. Thank you very much, Mr. Chairman.

I want to take this opportunity to thank the chairman of the subcommittee and the entire committee for your long and continuous efforts to enact a Federal Equal Opportunity of Employment Act.

You are also to be commended for plunging so quickly into the great and important businesses of this Congress at a time when the climate and the congressional tempers are yet cool and I say God speed your efforts.

Members of the committee, before coming here today I studied carefully the testimony of the preceding witnesses, including the splendid opening day statements that were made by Mr. Hill of the NAACP and Dr. Herman Long and Mr. Bell and it is my hope in just a brief presentation to outline several things that have come to my attention in my district.

My community of Cleveland, Ohio, has made giant strides in community efforts to bring about equal opportunities for all workers.

The Cleveland Community Relations Board, which is a city activity, the Urban League, and the Cleveland branch of the NAACP have vigorously searched out and exposed blatant disregard of fairplay. Some correction has been made but even in Cleveland we have only scratched the surface of discrimination.

Now, many large industries in my community, and I suppose this is true throughout the Nation, have responded to the need by just making glowing public relations announcements and very little result. Many employers have followed a practice of what I call sham integration, by hiring a Negro receptionist for the front office and making

a front window display of tolerance, much in the manner of recent Broadway shows and television spectacles which include a Negro in the chorus prominently displayed in the frontline to indicate a response to this need.

Now, sham integration, I think, where it exists and where it occurs, ought to be exposed as an attempt to deceive the public.

Recently I made some studies of equal opportunities in the defense industries of my own community. The employment opportunity for Negro workers in some plants was almost negligible, notwithstanding ostensible compliance with the mandates of the President's Committee on Equal Opportunity.

The problems result chiefly from the seniority provisions of labor-management contracts and that has already been discussed here.

But the problem in my community is vastly different from the problem of separate racial seniority lines discussed by Herbert Hill.

This is a problem of discrimination by seniority in the same line, resulting from policies of racial discrimination that were in being 10 to 15 years ago and which were perpetuated and carried over to the present day.

During the expansion of defense production demanded by the Korean crisis, discriminatory practices in my community were widespread.

Then the periodic renewal of these contracts renewed and extended their discriminatory effect. For example, in my community we have one defense plant today which employs about a thousand workers and it has one Negro employee. There is no chance to hire another in this plant in production until 1,000 laid-off workers, with seniority rights, are recalled.

Now, this company signs the pledge, joins in the progress provisions, petition for progress, or the platform for progress set up by the President's Committee. But under the contractual relationship which has been established and under the system as it works out, there is no chance to hire another Negro employee until 1,000 people with seniority rights, who are now laid off, are recalled to their employment.

Now, in this situation, the present management of the company and the labor union are anxious to develop an integrated work force but they find themselves at a contractual roadblock resulting from the discriminatory practices of a former management over 10 years ago.

Certainly this is not an isolated situation. This must reflect a pattern throughout America that I would like to direct to your attention.

I do not know what solutions there are, but I think this problem of entrenched discrimination can be met in several ways.

First, such industries or employers can immediately endeavor to provide equal opportunity in their administrative and clerical staffs not now covered by labor-management contracts.

Second, in the new job classifications that come about they can be sure that they are established on a nondiscriminatory basis.

Third, supplemental labor-management contracts or agreements might be entered into, interposing equal opportunity for employment.

Now, I know that while the slightest deviation from seniority rules would stir up a violent protest from those protected on seniority lists, these people could be made to understand that their own chances for recall to employment on defense contracts, on defense business, would

depend in some measure upon their acceptance of supplemental agreements interposing such equal opportunities.

Now, I want to say in closing that I vigorously support those who have preceded me here who have urged equal opportunity for job training at all levels. That is where the need begins.

I vigorously support the legislation which you are seeking, which you are considering and seeking to get Congress to act on this year because I think it seeks to give real meaning to the Bill of Rights.

Mr. ROOSEVELT. Thank you very much, Mr. Vanik.

May I call to your attention also that, in the legislation which the committee is considering, there is a specific provision not to preempt local effort where there is a good community setup or a good State enforcement law. The hope is and our expressed provision in the legislation is that such agencies shall not be preempted but it shall continue. We do it for two reasons.

First, we think in many areas this is most effective because the local community problem can better be handled on that level.

Second, because, as a witness said yesterday, the mere fact that if the Federal Commission should find it necessary to take over from the local enforcement area, it would indicate that the local job was not being well done. Thus, the matter of pride alone may stimulate the local effort to greater activity.

I think that the problem which you brought out here in this case of seniority is one which does deserve a great deal of study and again indicates the work which the Commission will have to undertake to do.

I think it is proper to point out that there is at the present time on the executive level no instrument which can attack this problem. It does not have the power and it has no basis in law upon which to function.

Our effort, of course, is to give basic legal lawful authority for an attack on this problem.

I think you have brought out a very fine part of the job which has to be done.

Mr. VANIK. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Mr. Dent.

Mr. DENT. I have no questions. I just want to say for the record, I want to pay my respects to Congressman Vanik for the long and hard fight that he has put up both in public and private life to eliminate from our scene the discriminations that have been practiced since time immemorial.

It is to men like Mr. Vanik that those who are underprivileged in the field of employment have had to look to for some comfort and aid over the years.

This committee is indeed fortunate to have as one of its strongest supporters in the legislative field, Congressman Vanik. I am sure he will not quit fighting even after we pass the bill.

Mr. VANIK. I want to point out to my distinguished friend from Pennsylvania, Mr. Dent, in my district I have somewhat the same problem as he does. I have counted almost 16,000 people who are out of work in my district. The great proportion of them are people of the minority group.

It is a tragic problem when they come to a Congressman, come to our congressional offices, and ask for a solution to the problem.

Training is a partial suggestion, but train people for what? They want to know exactly where the training can lead to. It is very difficult to tie training to a given job in prospect.

I think unless we approach this problem with the Federal authority and the strength of law as set forth by this legislation, I do not think we will begin to really reach the problem in any other more effective way.

Mr. DENT. I am glad to hear you express those sentiments. I hope that this committee will accept what I am trying to do, and that is to make this legislation effective not only in the field of private employment agencies but I, for one, believe that unless we tie in with public employment agencies, we are getting the job only half done.

Mr. ROOSEVELT. Mr. Ayres?

Mr. AYRES. I, too, wish to commend my colleague from Ohio for the fine presentation he has made.

I might tell the committee that Charles Vanik is not a Johnny-come-lately in this field. Charlie and I were in college together. He probably paid more attention to professors than I did and when he got out he became a Democrat. But in this field we have always joined together.

I have been in Charles' district on many occasions. He is very highly regarded by the minority groups and I might say, Charlie, that you are recognized as one of the leaders in the field for equal opportunity. In this field we join together.

Mr. VANIK. Mr. Chairman, I want to thank my colleague from Ohio, Mr. Ayres. We have been working very closely together in this field of legislation as in many other areas.

I have always been grateful and appreciative of the time that we have spent in mutual meetings in our districts.

I certainly want to thank my colleague from Ohio for all of his long and vigorous effort in this regard and in many other areas in which we have found accord.

I might say also that my colleague from Ohio is my proof here in Congress that I attended college. I refer to him constantly. If they doubt it, I say, "I went to Western Reserve University in Cleveland at the same time my colleague, Bill Ayres, did." It has been a great comfort. It has helped me prove the point.

Mr. AYRES. It works both ways.

Mr. ROOSEVELT. Mr. Smith?

Mr. SMITH. I just want to say I think we are fortunate that the witness did pay attention to his professors.

I think our colleague has done us a great service here in pinpointing the difficulty that management and the union in a factory will have in instituting the changes in policy during a recession.

Do you have any comment on how this might apply to the age factor also? If we are in a recession and younger men are available, would that make it even more important to have age included in this legislation?

Mr. VANIK. I do not know. This is an area that the committee has more information than I.

The point I was specifically endeavoring to make to the committee is one that there is some built-in discrimination. This does not apply to the older members of the work force because they should be higher in the seniority lines.

Mr. SMITH. But in an area such as yours, where you have so much unemployment, if a new factory opens up—

Mr. VANIK. Then it is very difficult for an older person to come in. As a matter of fact, the only avenue for such workers is perhaps the public service where there is no age limitation; that is, as far as the rules are concerned, but where it is practiced just as extensively.

I would say that with respect to age, discrimination is less a problem because general economic recovery, I think, would take care of that problem in a better way than it would meet the separate problem of discrimination because of race.

Mr. ROOSEVELT. Mr. Hiestand?

Mr. HIESTAND. Mr. Chairman, I share the same high regard for the witness as my colleagues do. I shared that respect when I served with him on the Banking and Currency Committee. I did not always agree with some of his conclusions but I certainly respected the intellect that he applied to the thinking of that committee. It was of a very high order.

My only question has to do with the statement he made. Quite obviously, the statement is based upon complete and deep sincerity of getting at the causes of these things and he tears quite effectively apart this sham integration. I share his feeling in that regard.

I am just wondering if he does not feel that in some cases this sham integration may do more harm than good.

Mr. VANIK. I would quite agree with my distinguished colleague from California. I think we should endeavor to ferret out efforts at sham integration.

Mr. HIESTAND. Whether it is real or not?

Mr. VANIK. We should determine whether it is a real effort on the part of the employer to integrate his work force. I do not think we should assume integration has developed because he has gone through this public relations display, this front window display of an integration effort. I think we have to check through his entire employment structure and determine how far and how deep is his sincere effort to bring about integration and fairplay among his workers.

Mr. ROOSEVELT. Thank you very much for your contribution to the committee. I look forward to having your help on the floor when that time comes and I am sure we will enjoy it.

Mr. VANIK. Thank you, Mr. Chairman; thank you, members of the committee.

Mr. ROOSEVELT. I now have the distinct pleasure of welcoming my friend and colleague, the Honorable John F. Shelley, Representative from my own State of California.

Will you come forward, sir?

STATEMENT OF HON. JOHN F. SHELLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. SHELLEY. Thank you, Mr. Chairman. I am particularly grateful for your kindness in finding a place in your very tight hearing schedule for me to appear.

Since I do not wish to inconvenience other witnesses, I would suggest that I merely read my brief statement and dispense with the question period.

Mr. Chairman, as a Member of Congress representing the Fifth District in San Francisco, I am pleased to appear before the Special Subcommittee on Labor to register my endorsement of proposals to establish a Federal Equal Employment Opportunity Commission and to present, in summary form, the effective commissions I have observed in California: San Francisco's Commission on Equal Employment Opportunity and California's Division of Fair Employment Practices.

Mr. Chairman, prior to my coming to the U.S. Congress some 13 years ago I had long been an exponent of government fair employment practices commissions aimed at the uprooting of discriminatory employment practices because of race, color of skin, country of origin, or age. It has been, and is, my firm belief that the denial of equal opportunity in employment of individual human beings, not because of personal shortcomings, but because of the accident of birth, or age, is diametrically opposed to the American ideal of liberty and justice for all.

To my way of thinking, discriminatory practices in employing an individual which assume that a member of a minority racial or ethnic group cannot or should not be permitted to rise above a certain job classification, without regard to education, intelligence, personality, and capability are unsound economically and morally wrong. When such practices exist, they deprive individuals in the United States from achieving the jobs to which they are best prepared by ability and inclination. Such practices deprive our country of much needed talent. Such practices, which deprive individuals of positions commensurate with their capacity, serve to depress their standards of living, to the serious detriment of this country.

It is my conviction, Mr. Chairman, that the passage of a Federal law outlawing discriminatory employment practices may to a great extent be considered as an educational tool. Earl Raab and Seymour Lipset, in their excellent "Prejudice and Society" have this to say:

The importance of law is not that it prohibits or eliminates prejudiced behavior and attitudes—but that it changes the social situations and community practices which breed prejudiced behavior and attitudes. Since these situations and practices are the prime learning influences with respect to prejudice, law must then be perceived as a prime educational weapon in combating prejudice.

Since the enactment of antidiscriminatory legislation in California, I have had occasion to discuss the operation of these laws with a number of employers and employees in California. Quite often, I am informed, an employer in California will seek a qualified employee. I have been told that many employers now do not weigh or consider a prospective employee because of his ethnic, racial, religious background or because of his age. Rather, he simply seeks the most qualified applicant. If any complaint is registered because of his selection of such a person, the employer can easily dispose of it with a reference to the existence of a fair employment practice law.

More basically, I feel that individuals in California have accepted well the operation of such legislation for they will accept and adhere to laws that support what their conscience whispers to them is right. I feel that quite deep in our American sense of justice and fairness, most of us welcome laws to implement that sense of justice and fairness. From what I have read relative to the operation of fair employ-

ment practice laws in other States and cities, such laws have equal success in bolstering equality of employment opportunity.

The San Francisco Commission on Equal Employment Opportunity began functioning during the middle of 1957. It was the first fair employment practices law adopted in California. It continued operation until the middle of September of 1960. The San Francisco Commission was terminated because of the enactment by the State legislature of the State Fair Employment Practice Act in September 1959, which provided that local commissions were allowed 1 year to terminate their pending cases. During the operation of the San Francisco Commission, some 90 complaints were filed. A number of these complaints were found to be without adequate foundation and of those remaining the great bulk of them were satisfactorily adjusted with the employment of the aggrieved party or other forms of settlement ranging from collection of back pay or the processing of the complaint through normal company procedures. In no case did a complaint of discriminatory employment practice reach the state of an open hearing.

The first executive director of the San Francisco Commission was Edward Howden. With the formation of the California Division of Fair Employment Practices, he was chosen as division chief. Under his able and devoted leadership, complaints with the State division, excepting five, have been resolved through investigation, conference and conciliation, without public disclosure of the names of the parties and without public hearings.

Mr. Chairman, based on the successful record of these two Commissions in California, and those in other States and cities in the United States, I feel it may be statistically demonstrated that such a Federal commission would insure great rewards to the people and economy of our Nation.

Mr. Chairman, several times over the years I have been asked why I feel this way on this subject. I have very vivid recollections of my own father telling me of some of his own personal experiences when he first came to this country as a young immigrant from Ireland; how as a husky, healthy young man of 21 or 22 years of age he had come to this land of freedom and opportunity in about 1889 or 1890 and, was shocked, by signs "No Irish need apply." How in other instances he would not be hired when the prospective employer found he was a Catholic. These stories, told me as a young boy, shocked me, and they were related to me by my own father who became an American citizen on the very first day he was eligible to do so and was proud that he picked this country as his own.

I have seen in my lifetime other cases of discrimination, Mr. Chairman, based on race, religion, or color. Isn't it about time we stopped this and become the great country in all ways?

Perhaps, Mr. Chairman, the achievements of a Federal Commission will be best marked—as I believe they are in State and local commissions—by the opening of new doors of employment opportunity to those who never have nor will approach a commission with a complaint, but who have and will benefit from the growing awareness in the United States of the existence of fair employment practices commissions.

It is my sincere hope that the vigilance of our laws and the awareness of our citizens will not terminate until our fellow Americans are protected in the right to employment on a merit basis alone.

MR. ROOSEVELT. Thank you very much, sir, for your contribution. As I said to Mr. Vanik, I look forward to having your help on the floor when that time comes.

MR. SHELLEY. You may depend upon it, Mr. Chairman, and I thank you once again for the privilege of appearing.

MR. ROOSEVELT. The next witness before the committee is Dr. A. Dudley Ward, the National Council of the Churches of Christ in the U.S.A.

Will you come forward, sir?

May I welcome you to the hearings on behalf of the committee. We appreciate the time that you have taken in preparing to give us the views of your very fine organization.

STATEMENT OF REV. A. DUDLEY WARD, NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.

DR. WARD. Thank you, Mr. Chairman. I do appreciate the opportunity of coming here.

I, first of all, would give a word of appreciation to Dr. Allen, who is the next witness, for allowing me to take his place. I have come here prior to an important executive board meeting of the national council this afternoon. This is the reason he was willing to give his place to me, and I appreciate that.

I also wish to bring personal greetings to you, sir, and to the members of this committee from Mr. Irwin Miller, the distinguished lay president of the National Council of Churches. He is the president of the Cummings Engine in Ohio and would come to speak to you if he were not otherwise engaged on very important business for the national council. He feels very deeply about these matters and considered the invitation from this committee to testify on behalf of the national council, to which he has given very great leadership as a layman, a most important opportunity and he especially stressed that I should come on his behalf.

In addition to this, I want to point out that personally I will be speaking for the national council in the prepared statement and making one or two remarks on behalf of the Methodist Church, which is the largest Protestant denomination in America, larger than the Southern Baptists, although they are giving us a great run for our money.

I have had a great interest in this field for a long time, served with your brother in a previous committee and another administration, and was chairman of the Religious Advisory Committee to the President's Committee on Government Contracts and in that capacity had occasion to deal directly with these things you are concerned with.

I also come as a member of the general board of the national council and executive board of Christian life and work which deals directly with these things about which we are talking this morning.

My name is Rev. A. Dudley Ward. I am an ordained minister in the Methodist Church and serve as general secretary of the Division of Human Relations and Economic Affairs in the Methodist Board

of Christian Social Relations. I appreciate this opportunity to speak at this hearing on behalf of the National Council of the Churches of Christ in the U.S.A., as well as of the Methodist Board of Christian Social Concerns, and on behalf of the Methodist Church.

As spokesman for the National Council of Churches I have been asked to appear on behalf of its departments of the church and economic life and of racial and cultural relations. In relation to both of them I serve as a representative of the Methodist Church on their governing general committees.

Constituent members of the National Council of Churches include 33 Protestant and Eastern Orthodox Church bodies, with a total membership of approximately 40 million. Let me make clear that in presenting this testimony at this or other legislative hearings the national council does not presume to speak for each of its 33 constituent communions or for each of their many members. The views I will give here, however, were adopted after careful consideration by official representatives of the council's member churches who serve on its general board. In addition, it should be added that many of these member churches also have policy positions supporting equal opportunity for employment for all people.

One of the earliest statements of position adopted by the National Council of Churches set forth a series of "Christian Principles and Assumptions for Economic Life." High among the principles of the Christian faith which lead the council to its concern for the economic well-being of all persons regardless of race, or nation or class, is the belief that, and I quote:

Persons uniquely combine body and spirit, and the needs of both should be emphasized in the Christian church. That the material needs of men be met through their economic institutions and activities is one condition of their spiritual growth * * *.

These fundamental principles should be represented and reflected in the working of any economic system. Economic institutions and activities should never become a law unto themselves. Their purpose is to serve human need.

As norms for guidance of Christians in seeking to judge or to adapt economic institutions and practices in accordance with these standards, problems relating to employment were strongly emphasized. Among them I cite as most important the following, all of which have a bearing on the problem before us at this hearing, namely:

(1) Christians should work for a situation wherein all have access at least to a minimum standard of living * * *.

(2) All youth should have equal opportunities to develop their capacities, insofar as society can provide them, through equal access to the means of health, education, and employment.

(3) Economic institutions should be judged also by their impact upon the family—which involves standards of living, hours of labor, [and] stability of employment * * *.

(4) It is a clear Christian responsibility to work against those special forms of economic injustice that are expressed through racial and other group discrimination.

(5) Every able-bodied adult has an obligation and the right to an opportunity to serve the community through work * * *. Large-scale unemployment, or long-continued unemployment for any considerable number of persons able and willing to work is intolerable. It ordinarily indicates defects in or relaxation of social and economic safeguards. All practicable safeguards should be provided and maintained.

To give meaning to these principles in terms of day-to-day living and working, the general board, in January 1951, voiced its concern regarding the need for safeguards against discrimination in employment in a formal resolution urging that—

legislative and administrative safeguards be provided against discrimination in employment and working conditions based on race, creed, or national origin in the use of civilian manpower * * *

Subsequently the council, speaking through its annual Labor Sunday message in 1955, stated that—

an obligation to be truly democratic in its procedures and to weight its very act in the light of its effect upon the general welfare rests upon every organization as upon every individual, and that this obligation is not discharged unless the opportunity for employment and creative expression is equally available to all men and women regardless of creed, race, social status, or national origin.

The council's most recent statement on the subject of discrimination in employment issued from the meeting of its triennial general assembly in San Francisco in December 1960. Since it bears so directly on the subject of this hearing, I will file with this testimony the full text of the statement, which is titled "Christian Influence Toward the Development and Use of All Labor Resources Without Regard to Race, Color, Religion, or National Origin." For our purposes here I will cite only a few of its salient emphases.

For instance, the 600 or more official representatives of the council's member churches meeting in this large assembly agreed that, and I quote from their statement:

The Christian concern about employment according to ability stems from the Christian belief about man * * *. Each man is created by God in His own image and therefore has supreme worth. Human beings cannot add to nor detract from this worth.

* * * Men are responsible to God and to each other to see that all men have the fullest opportunity to develop and to exercise their God-given capacities * * *. Employment based on individual ability * * * should be a concern to all in the churches.

It is clear, according to the views of this church body that both justice and efficiency in the full use of the Nation's manpower resources call for selection for employment and promotion on the basis of qualifications with major emphasis on individual capacity, character, training, and experience. Practice has shown that achievement of such justice and efficiency requires cooperative effort by the total community, including government on every level, industry and business, labor unions, educational institutions, community and church organizations, as well as individual employers, workers, and other citizens. Though notable progress is being made toward this end, we recognize that many barriers to employment on this basis continue to exist.

A major deterrent to equal opportunity in employment is still discrimination based on a wide range of causes. Negroes, who comprise about 95 percent of the nonwhite persons in America, are victimized by discrimination in employment based on race or color. Persons of other groups also face employment barriers based on race, color, religion, or national origin. These groups include Puerto Ricans, other Spanish-speaking peoples, American Indians, Chinese, Japanese, and Jews.

Stressing the need for intensified effort if these discriminatory barriers to employment are to be broken down, the Assembly specifically urged Christians and Christian churches:

1. To seek to develop an informed and just attitude toward equality of opportunity for employment based on individual ability and to put it into practice.
2. To take every opportunity, through churches and other religious groups and agencies, to further by concerted group action the constructive emerging trends toward employment according to ability.
3. To examine the churches' own positions and practices on discrimination in employment * * *
4. To place upon Christians—individuals and groups—in their several social and economic capacities, the responsibility to face the issue of racial discrimination [in employment] * * *

This, the statement believes should be supplemented by increased effort, and again I quote:

to encourage and support the adoption of legislation which provides for employment on the basis of ability and qualifications without regard to race, color, religion, or national origin, and of legislation to provide a statutory base for the President's Committee on Government Contracts.

In the special case of employment handicaps faced by older workers the national council has again expressed its grave concern over the trend toward underutilization of the growing segment of our manpower resources between the age of 40 and retirement. It has earnestly urged the churches, our business leaders, and other employers, including National, State, and local governments, to reexamine their employment practices in this regard, and further, that church groups and church people give support to legislative or other programs which discourage arbitrary discrimination in employment based on age.

In studies and special programs relating to handicaps facing young workers and women workers—both of which are intensified far beyond normal by discrimination due to race, sex, and national origin—the council has also called for increased attention and understanding by church people of their special, and increasingly complex, employment needs.

From these brief citations, Mr. Chairman, I believe it is clear that the National Council of Churches believes that Christians, because of their basic involvement in the well-being of all persons have a special obligation to see that all persons have the opportunity to use fully their God-given capacities, and, further, to help the Nation achieve full use of its manpower without regard to race, color, religion, age, sex, or national origin. This I assume also to be the primary purpose for which this hearing has been called and for which effective legislation is being sought at the level and under the jurisdiction and authority of the Federal Government. Though I do not presume to speak on behalf of the national council in terms of the details of specific legislation, I believe that the goals you seek are in general accord with the principles and purposes of the council as set forth in this testimony.

Again, I thank you for the opportunity thus afforded of making to you today this presentation of our concerns for the basic elemental need of all mankind for the unimpeded right and opportunity to gainful employment.

Mr. Chairman, you will find attached to this statement the resolution adopted by the National Council of Churches at its triennial assembly in San Francisco on December 9, 1960.

I might say this is one of the great meetings of Protestant and Eastern Orthodox Churches in America.

The other piece of information I would like to give you is on behalf of one of the denominations. I have before me and am not filing, although it would be available if you wished it, a compilation of all the statements by all of the major denominations in America on this subject. It is of very crucial importance that although we may disagree on matters of theology from time to time and the matter of church polity, we can say in the United States of America and indeed around the world that all religious bodies and all faiths have joined in this one matter without any qualifications whatsoever.

There is no way in which I could refer to any information from any responsible religious body in these United States and indeed around the world that would indicate any different position on basic principles involved in the statement I have just made.

To give us an illustration, from the church I know best, I have submitted to you and members of the committee three indications of how seriously we take these matters. For example, this pamphlet which I have here is the social creed of the Methodist Church. It is one of the great historic documents of Protestant tradition. It was first adopted in 1908.

You will be interested to know, Mr. Chairman and members of the committee, that this document adopted in 1908 became the basis for the social ideals of all Protestant churches in the United States and was adopted as their social ideals in the same year.

In addition to that, to show you the impact that the churches did make in these fields, that document of 1908 dealt only with one aspect of life, the question of economic justice. Every single provision of that document which anticipated legislation quite beyond our ken at that point, and I was not around at that time, has either been enacted into Federal legislation or is voluntarily adopted by business and labor organizations in America, which I think speaks something to the strength of this document. It anticipated legislation which came into being in this country in the thirties during the depression.

We talk of all the basic matters of employment, protection of workers, workmen's compensation, social security, these were things that, as far back as 1908, the church said ought to become part of our native life. So this document has grown and the Methodist Church, therefore, is proud of this document which has become, in a sense, the foundation for work of all churches in America.

We still say very clearly the statement which was made in 1908 which appears on the third page under section 3—Poverty and Unemployment, that we believe it is our Christian duty to provide for all men opportunity to earn an adequate livelihood for themselves and their dependents, which would encompass age and all the rest of the things you have been talking about.

Then our own church adopted at its general conference, which is our general legislative group, its statement on the Methodist Church and Race in 1960, and here I would like to say that the church itself is very, very much concerned about those elements of discrimination which still exist in our own life.

I do not come here in order to reflect on the activities of any other organization in this Nation, recognizing full well that in our own life

we have serious difficulties and we frankly admit them and we are working hard at them and hope one of these days we will do better. But we are in a determined effort at least on our general legislation and throughout our general agencies to rid our own institutions on all levels of the things about which you are concerned and I hope will be successful in the legislation.

Also, we have stated very clearly that we would support you in this matter, search for legislation which would undergird American society at this point.

Then you may be interested in another peice of literature which comes before you. This is a message from the greatest conference the Methodist Church has ever held on these matters about which you are concerned. It was held, significantly enough, in Dallas, Tex., at our great Southern Methodist University which is noted not only for being a great seat of learning but also having a good football team which we in the church like, and that meeting which was of 1,000 delegates from across the world made it very clear in their statement on unemployment which you will find there on page 3 or 4, a comprehension, once again, of the fact that we must provide this basic opportunity for the people of this Nation and other nations to earn a living without regard to discriminatory practices for any cause.

Mr. Chairman, I shall be very happy to answer any questions but it seems to me that what we are trying to say to you is this: that although our house itself is not entirely in order, yet we are in agreement with you on the general purposes and would support you in the specifics that you are attempting to undertake.

I think that you will find in the churches a very great overwhelming desire to give our support to this sort of thing. We have differences, as you know, within our bodies but we are very happy to be part of this great movement that is seeking for basic justice for people.

Mr. ROOSEVELT. Dr. Ward, on behalf of myself and, of course, I am sure I speak for all members of the committee, we are grateful to you for your expression and particularly because I think it highlights the fact that, while any legislative effort sometimes appears to be grounded on very practical reasoning, basically one gets to appreciate that if it is to be really effective, then it must also be grounded in moral and spiritual reasoning. I think you have expressed this with great eloquence and you have brought to our attention the background which I think is indispensable to the successful understanding of the effort of this legislation.

We are grateful to you for appearing.

Dr. WARD. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Mr. Dent?

Mr. DENT. I have no questions.

Mr. ROOSEVELT. Mr. Hiestand?

Mr. HIESTAND. No questions.

Mr. ROOSEVELT. Mr. Smith?

Mr. SMITH. I would like to add that I think it is especially significant that this witness would mention the need for freedom from discrimination due to religion, too, and we do recognize that there is that kind of discrimination in employment. It is commonly thought that some people in the religious movement are in favor of it, but I am sure that is not true. It is mostly some of the lay people and those who think that way; is that true?

Dr. WARD. Yes. We recognize the fact that the causes of discrimination are complex and multiple. This is one that we see in our work constantly, either implicit or actually overt evidence of discrimination because of religious belief.

Mr. SMITH. It is not the leaders in the churches that believe in this.

Dr. WARD. Officially this is true. But in any great body such as I represent, you will have differences of opinion. I cannot answer for all leaders but I would say that as far as the official positions are concerned, this is where we stand. But we are part of American life and you find wide differences. But our official positions are very clear despite some differences even in leadership groups.

Mr. ROOSEVELT. Dr. Ward, may I just make one last comment? I do not want to detain you because I know you have to go.

Dr. WARD. I probably lost my plane anyway. So, just relax.

Mr. ROOSEVELT. We will try to get you on the next one.

Dr. WARD. That is all right.

Mr. ROOSEVELT. May I just say, because we do also have to be practical, I know you like a good football team and we like to see something passed, but one of our problems, of course, is reaching enough of the rank and file people who, for one reason or another, our mass communication system is not good enough to let them know that fundamental legislation of this kind is being considered and upon which, if they realized its importance and the fact that it was currently before a legislative body, they might express themselves to their representatives in the Congress.

While I hesitate to put myself in a position of being accused of requesting a propaganda broadside, I nevertheless would hope that your fine organization and the constituent parts of it might find a way to alert your rank and file membership to the legislation.

I think every Member of Congress, whether he is for or against something, welcomes the expression of opinion of individual people across the country.

Dr. WARD. Let me just comment on that, Mr. Chairman.

As a matter of fact, I have brought with me this morning two persons who would be very interested, one my own administrative secretary and also Mr. Winston Taylor, who is our public relations man for the Methodist Church here in Washington. He will take these hearings and report to us and it will go around our church.

It is not only that but I might give you some help on the question you are raising.

The National Council of Churches works through its 33 constituent communions and in the executive meeting which I will be attending this afternoon, we will have representatives of all the people who are responsible for disseminating information, religious, legislative, technical, to the churches on this sort of thing.

It means that there is a channel by which matters of crucial moral import can be given to each local church that is involved in the National Council.

Now, again let me give you a practical illustration out of our own church.

We have a church with 44,000 local churches. We have roughly 30,000 ministers and other professional workers in reference to these local churches.

In addition to that, we have an organization which is very much like a connection organization, so we get things done.

There are at least 30,000 groups of women who meet in a women's society and one of the departments of that work deals with Christian social relations. They will be hearing about this legislation and will know what is involved.

In addition, we have in about 26,000 or 27,000 of our local churches a mandatory commission which is the Methodist way of being very democratic but means you have to have it if you are going to be a good Methodist, 26,000 local church commissions on Christian social concerns who have as one of their prime responsibility the implementing into practical action these general principles which I have enunciated and which must eventually express themselves in voluntary acceptance by our laymen and laywomen in their daily vocations or in supporting those public movements which would include legislation that give us a basis for implementation.

So, in our trade journals, if you will, these promotional and informational magazines we send around to all of these workers, records of this sort go constantly. We do not tell them they ought to send you a letter saying they must support the legislation. This is not the point. The point is that we want to encourage very free discussion. We feel that any issue that affects people so basically as employment should be discussed.

Secondly, we wish to point out alternatives for and against.

Third, we try to encourage our people to express, as good Christian citizens, their opinion.

I would say, just as a matter of information, that by and large they would support the general principles.

Now, we have some complicating factors, as you know, but this, I think, indicates a little bit the great breadth of work which the churches have in these fields and actually the religious bodies are the only bodies that really get to people, almost before birth and after death. We have them for a long time. Fortunately, in America, we have a much larger percentage of people in churches than any other nation in the world. This, I think, is very encouraging. The church is in social and economic and political matters almost without exception when we are dealing with moral problems.

Mr. ROOSEVELT. Thank you, Dr. Ward. That is most encouraging.

I am sure that as the effects of this are more widely understood that reaction will become available to Members of Congress, also.

Dr. WARD. Thank you very much. We appreciate the opportunity of coming.

Mr. ROOSEVELT. Thank you, Dr. Ward. I hope you will find a good plane back.

Dr. WARD. Don't worry about it. The world will go on whether I am there or not.

(The documents submitted by Dr. Ward are as follows:)

THE METHODIST CHURCH AND RACE

Our Lord Jesus Christ teaches that all men are brothers. He permits no discrimination because of race, color, or creed. "In Jesus Christ you are all sons of God through faith * * * there is neither Jew or Greek * * * there is neither male nor female; for you are all one in Christ Jesus." (Galatians 3: 26, 28).

The position of the Methodist Church, long held and frequently declared, is an

amplification of our Lord's teaching. "To discriminate against a person solely upon the basis of his race is both unfair and un-Christian. Every child of God is entitled to that place in society which he has won by his industry and his character. To deny that position of honor because of the accident of his birth is neither honest democracy nor good religion." (The Episcopal Address, 1952 and 1958.)

"We believe that God is Father of all peoples and races, that Jesus Christ is His Son, that all men are brothers, and that man is of infinite worth as a child of God." (Social Creed, 1958.)

"The church is the instrument of God's purposes. This is His church. It is ours only as stewards under His lordship. The requirements for its membership and the nature of its mission are set by God. The house of God must be open to the whole family of God. If we discriminate against any persons, we deny the essential nature of the church as a fellowship in Christ." (The message of the Dallas Conference on Human Relations, August 1959.)

The failure of our church to live up to its own pronouncements is a fault that must be shared by every section of the church. Our failure to achieve the aims of Christian brotherhood is grievous since Methodism is a world church. The problems of race relations must be approached in love lest the cause of Christ suffer at our hands. In the midst of the wide divergence of social customs and conscience affecting the complex issue of race relations, we must carry out the teachings of our Lord in order to attain the true nature of the church as a complete fellowship in Christ.

The decisions of the Supreme Court of the United States relative to segregation have made necessary far reaching and often difficult community readjustments throughout the Nation. The period of stress and strain continues for many communities. On the whole, very considerable progress has been made.

We must have compassion and understanding for those whose basic social concepts, customs, and traditions throughout the world may differ from those of our own. We call upon our people to go forward with all good faith with brotherliness and patience, seeking in all these areas to find the mind of Christ.

It is our desire to accomplish the realization of Christian brotherhood and full participation by all in every aspect of the church's life. We join other people of good will around the world in moving toward the day when all races shall share richly without discrimination or enforced segregation in the good things of life. Therefore, we resolutely go forward with the work begun with respect to race relations in the church and in our world, following these principles of action:

Let us reexamine all our attitudes toward other persons in the light of the teaching of Jesus and God's demonstrated love for us.

Let us seek to create within our church, as within families, a climate of love and understanding, wherein freedom of expression and study are encouraged, especially in areas of disagreement and tension.

Let us endeavor to know each other better across dividing lines by working together toward the solution of common problems, such as housing, education, employment, health, recreation, and juvenile delinquency.

In this spirit we recommend:

(1) That a cooperative study be made by the general boards of the church of our institutions—including local churches, colleges, universities, theological schools, publishing agencies, hospitals, and homes—as to their admission and employment policies and practices, and availability of services. It is the responsibility of these institutions that their policies and practices be in accord with the teachings of Jesus.

(2) That Methodists in their homes, in their work, in their churches, and in their communities actively work to eliminate discrimination and enforced segregation on the basis of race, color, or national origin, that as a church we pursue a program of education and action to bring about Christian practices with respect to housing, open occupancy, schools, opportunity of employment, and community acceptance which, in the spirit of Christ, create a sense of belonging.

(3) That as basic steps toward the removal of racial barriers in the organizational structure of the church are taken, consistent planning shall be undertaken by every jurisdiction and conference to implement the procedures duly authorized in amendment IX of the constitution of the Methodist Church. In realization of this goal, bishops, district superintendents, pastors, and laymen are urged to use with greater Christian courage all available channels, including the local churches, to create a climate of understanding and acceptance of this responsibility.

(4) That our pastors, upon whom rests the responsibility of receiving individuals into the church membership, discharge that responsibility without regard to race, color, or national origin.

(5) That Methodists at national and international meetings of the church make provision for equality of accommodations for all races without discrimination or segregation.

(6) That the many racial and national groups which make up our Methodist world fellowship be afforded the opportunity without discrimination to enjoy full participation in all activities and on all levels of the church.

THE MESSAGE FROM METHODIST CONFERENCE ON HUMAN RELATIONS

(Southern Methodist University, Dallas, Tex., August 31 to September 4, 1959)

CONFERENCE QUESTIONS

What is our Christian witness on race?

What is the nature of the present racial crisis in our Nation and the world?

What can Methodists do?

PREFACE

This message was adopted by the first Methodist conference on human relations in which 10 agencies of the Methodist Church cooperated.

The message came out of the life of the conference through the group discussions, the expressed convictions of individual delegates, and the dedicated labors of the message committee, representing all the jurisdictions.

Delegates were from the annual conferences and the cooperating agencies. All of the jurisdictions were represented and a number of participants came from overseas.

The purposes of the conference were:

To indicate clearly the interdependence of the agencies on race relations and their united concern for an authentic Christian witness on race by the Methodist Church;

To provide a genuine interracial experience by the association of many members of the Methodist Church, from a variety of backgrounds;

To face objectively and concretely the perplexing issues of race relations through Biblical and theological study, sound sociological analysis, exchange with experts, group discussion, able addresses, and spiritual enrichment by music, drama, and the holy communion;

To release to the church and to the world a message as a pastoral letter to be read from pulpits, printed in bulletins, church school literature, and other church publications, and to be carefully studied by Methodists everywhere.

The conference concentrated its work on three insistent social issues—housing, education, and employment—and on the specific responsibility of Methodists, individually and collectively, to put our house in order, and to aid in the solution of the racial problems of society.

This message is commended to Methodists in love and with the hopeful prayer that in the midst of a variety of opinions, deepest emotions, and severe tensions on race, both in the church and society, the Methodist Church and its members may unitedly demonstrate the genius of the Christian faith and the church universal which is the reconciling redemptive work of our Lord Jesus Christ and His ethic of love.

May God be pleased to bless us thus.

Sincerely,

A. DUDLEY WARD,
Conference Director and General Coordinator.

THE MESSAGE

In the name of Jesus Christ, our Lord, greetings—

Methodists from all parts of the United States and overseas have gathered on the campus of Southern Methodist University, Dallas, Tex., at the call of 10 agencies of our church. From this first Methodist conference on human relations, in the spirit of Christian fraternity, we share this message.

I. The Basis of Our Witness

God is a universal, righteous, loving Father with all men standing equally before his judgment and mercy. Through Christ and His cross the nature of God and His love are revealed. Thus, for the Christian, the nature of the love he should manifest is defined by the nature of God. Jesus Christ took upon himself the sinfulness of all and offered salvation regardless of race or nationality. To raise discriminating barriers against any person is to deny the universality of God's concern. Prejudice against persons because of their race is rebellion against God as he is revealed in Christ.

In his own experience of the meaning of the cross the believer knows that he has received the love of God in spite of unworthiness and sin. In turn, he desires to relate himself to all other persons on the basis of this same love. Christian love makes imperative the elimination of the injustices and inhumanities associated with present-day race relations. Full fellowship with the Father is impossible unless we accept this obligation of inclusive love for all men. Our decisions concerning race are thus basically related to our eternal salvation.

The Bible affirms that it is God's purpose to unite all men in Christ and the church. The Bible speaks plainly to our modern racial tensions as to how men are to live together on this earth in obedience to the will of God. If one reads the Bible as a whole, it becomes unmistakably clear that God is seeking to heal the divisions in humanity caused by human sin and to bring all peoples of the earth into a community of the redeemed. The use of the Scriptures to defend any separation of brother from brother is a violation of both the meaning of the passage and the spirit of the whole of Scripture. In this blessed community human barriers of every sort are abolished or transcended. "In Christ Jesus you are all sons of God, through faith. * * * There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus." (Galatians 3:26, 28)

The church is the instrument of God's purposes. This is His church. It is ours only as stewards under his lordship. The requirements for its membership and the nature of its mission are set by God. The house of God must be open to the whole family of God. If we discriminate against any persons, we deny the essential nature of the church as a fellowship in Christ. The church can scarcely speak the word of God if its actions deny the love of God.

The church is uniquely able to work and witness in the world for the full realization of sonship and brotherhood in Christ. There is a united voice from all branches of the Christian church. The Methodist Church has declared through its general conference:

"We believe that God is Father of all peoples and races, that Jesus Christ is his Son, that all men are brothers, and that man is of infinite worth as a child of God." (Social Creed.)

"To discriminate against a person solely upon the basis of his race is both unfair and un-Christian. Every child of God is entitled to that place in society which he has won by his industry and character. To deny him that position of honor because of the accident of his birth is neither honest democracy nor good religion." (The Methodist Church and Race.)

"There must be no place in the Methodist Church for racial discrimination or enforced segregation." (The Methodist Church and Race.)

II. The Call to Witness

We rejoice that the movement of world events and the work of the Holy Spirit have produced a deeper stirring of conscience and concern so that there is in evidence all across our church a sincere endeavor to deepen our obedience to our calling to true Christian brotherhood. There are manifestations that the Christian consciences of Methodists have been stimulated, and there is a growing expectancy of progress in human understanding.

We confess with sorrow that our practice has not always been faithful to the Scriptural teaching, the true nature of the church, nor to our own pronouncements. This is particularly grievous since Methodism is a world church and since the problems of race relations are now set on a world stage.

We recognize that our immediate approach to the task may differ but the call of God is a single one to witness to the transforming power of love in all human relations. Although the principles set forth in this message are central in the Christian faith, there remain differences of opinion among Methodists as to the application of these principles.

We believe it is possible—even with the recognition of the different nature of our environments—to work together in many ways which the Holy Spirit will open to us, and suggest the following as principles of action:

1. Let us reexamine all our attitudes toward other persons in the light of the teaching of Jesus and God's demonstrated love for us.

2. Let us seek to create within our church, as within families, a climate of love and understanding wherein freedom of expression and study are encouraged especially in areas of disagreement and tension.

3. Let us endeavor to know each other better across dividing lines by working together toward the solution of common problems, such as housing, education, employment, health, recreation, and juvenile delinquency.

As to the specific areas of concern of this conference—

Housing

As a church we should now begin a program of education and action to bring about open occupancy. Restrictive housing on the basis of race violates Christian principles. The freedom to choose a home and a neighborhood should not be limited because of a person's race. The right to rent or purchase, however, is not enough. Community acceptance which creates a sense of belonging is in the spirit of Christ.

Education

In harmony with the Christian imperative the highest court in the land has spoken concerning policies in public education. Methodists, as law-abiding citizens, are faced with the challenge and task of creatively meeting these imminent responsibilities. To this end we must establish, cultivate, and maintain lines of communication within the local church and the general community. For this communication we need a new vocabulary. Beyond this we must encourage the translation of the Christian imperative and the legal decisions into practice.

Employment

The right to a fair and equal opportunity for all to earn an adequate livelihood is basic in a Christian democracy. Training in skills, employment, and advancement must be based on individual merit without discrimination as to race, nationality, sex, or creed. Without such fair practice of employment the Nation and its productivity suffer the loss of vast resources of talent. In keeping with its historic concern for social justice the church rejoices with labor and management in the progress made in all sections of the Nation and pledges itself to a growing acceptance of its responsibility in this area of human relations.

Church

The church must continuously scrutinize its own life in the light of the gospel. Rather than reflect imperfect customs, the church should stand continuously ahead of our communities. Under the leadership of active Commissions on Christian Social Relations, local churches need to take more seriously the education of their own members in ways which link serious study and vital worship.

We need to discover new meaning for brotherhood in both the membership and organizational structure of the church. While current situations require differing next steps, our goal must be the full acceptance of any Christian into any local church. Our consciences are troubled that the central jurisdiction exemplifies segregation within the Methodist Church. We should replace it as rapidly as possible with a pattern of church organization consistent with Christian brotherhood. One of the greatest challenges to ecclesiastical statesmanship is the provision of creative alternatives. Methodist institutions and agencies should adopt the same brotherly practices we advocate for other agencies in the community.

The freedom of the responsible pulpit is a precious heritage. Tension is often a prelude to progress, and love is a sufficient solvent for controversy. Both local laymen and denominational leadership need to strengthen and sustain the ministry in its duty to proclaim the Gospel.

We have experienced in the personal encounters afforded us during this conference a new quality of fellowship. We believe it is an essential technique to be used in all groups for the development of Christian understanding.

We believe God is leading the Methodist Church at this time toward new expressions of brotherhood, and we rejoice in it. To God, through our Lord Jesus Christ, we turn in gratitude and hope. In Him we find strength and guidance.

In humility we call all Methodists to join us in confession, in reappraisal, and in creative commitment to Christian expressions of love which make possible the full realization of sonship and brotherhood in Christ for all persons.

"He hath called us from darkness to light and committed to us "the message of reconciliation." (II Corinthians 5:19)

THE SOCIAL CREED OF THE METHODIST CHURCH, 1960

The history of the Methodist Social Creed begins with the General Conference of the Methodist Episcopal Church in 1908.

It immediately became a major Methodist contribution to Christian social thought and action, for that same year it was adopted almost word for word as the social ideals of the Federal Council of Churches.

This meant that Methodism gave American Protestantism its fundamental statement on social issues. Many of the same principles were later adopted by the National Council of Churches.

In 1939 the statement became the Social Creed of the three united branches of the Methodist Church. Each 4 years the creed is studied and brought up to date by the General Conference.

I. OUR HERITAGE

The interest of the Methodist Church in social welfare springs from the Gospel and from the labors of John Wesley, who ministered to the physical, intellectual, and social needs of the people to whom he preached the gospel of personal redemption.

In our historic position we have sought to follow Christ in bringing the whole of life, with its activities, possessions, and relationships, into conformity with the will of God.

As Methodists we have an obligation to affirm our position on social and economic questions.

II. OUR THEOLOGICAL BASIS

The Methodist Church must view the perplexing times and problems which we face today in the light of the teachings of Jesus. Jesus taught us to love our neighbors, and seek justice for them. To be silent in the face of need, injustice, and exploitation is to deny Him.

We believe that God is Father of all peoples and races, that Jesus Christ is His Son, that all men are brothers, and that man is of infinite worth as a child of God.

We believe that "the earth is the Lord's and the fullness thereof." Our own capacities and all we possess are gifts of the Creator, and should be held and used in stewardship to Him.

We believe that a Christian society is essential to the full nurture of a Christian person.

We believe that sin, both individual and social, stands under the judgment of God, and that the grace of God in Christ is available for redemption in all areas of life as we seek in penitence and obedience to do His holy will.

We believe that all persons have supreme value in the sight of God, and ought to be so regarded by us. We test all institutions and practices by their effect upon persons. Personality is oppressed in many parts of the world, and we seek its emancipation and those things which will enrich and redeem it. Since Jesus died for the redemption of human life, we believe we should live to help save man from sin and from every influence which would harm or destroy him.

III. OUR DECLARATION OF SOCIAL CONCERN

Applying the foregoing principles, the Methodist Church declares itself as follows:

A. The family

We seek equal rights and justice for all men; protection of the individual and the family by high standards of morality; Christian education for marriage, parenthood, and the home; adequate housing; proper regulation of marriage, and uniform divorce laws.

We believe that the church must be vitally concerned with the health and welfare needs of all people, first within the family, and where necessary, in institutional care with high standards of scientific service and Christian dedication.

We believe that planned parenthood, practiced in Christian conscience, may fulfill rather than violate the will of God.

We stand for regulation of working conditions for women, especially mothers, and safeguards for their physical and moral environment; for the abolition of injurious child labor; for the protection, education, spiritual nurture, and wholesome recreation of every child; and for religious and educational programs which will secure these ends.

B. Economic life

1. *Christianity and the economic order.*—With full acknowledgment of stewardship under God and accountability to Him, we stand for the acquisition of property by Christian processes and the right to private ownership thereof. We refuse to identify Christianity with any economic system. We test every economic order by the commands of our Christ and judge its practices by the Christian gospel. We believe that it is our duty not only to bring Christ to the individual, but also to bring the society within which we live more nearly into conformity with the teachings of Christ. We believe that the free democratic way of life ruled by Christian principles can bring to mankind a society in which liberty is preserved, justice established, and brotherhood achieved. We therefore pledge ourselves to sustain these values and to implement the teachings of Christ by voting our Christian convictions in all elections, by participating in political action as party members or independents, and by offering and supporting candidates who will translate our social ideas into social reality.

2. *Responsible use of power.*—The Christian point of view demands that concentrations of power in government, labor, business, and religious organizations be used responsibly. The task of the church in this regard is to help people in positions of power and the organizations which they serve to achieve and exercise a high level of social responsibility.

3. *Poverty and unemployment.*—We believe that the economic development which makes possible material plenty for all imposes upon us great moral responsibility in that the physical and spiritual development of millions of persons throughout the world is now needlessly hindered by poverty. We therefore stand for the abatement and prevention of poverty everywhere.

We believe that it is our Christian duty to provide for all men opportunity to earn an adequate livelihood for themselves and their dependents.

Since lack of significant employment tends to destroy human self-respect, we believe that workers must be safeguarded from enforced unemployment.

4. *Wealth.*—We recognize the perils of prosperity. Our Lord has told us that we cannot serve God and mammon. As Christians we must examine earnestly before God both our personal and business practices, lest we unwittingly adopt the standards and assumptions of a materialistic society to the exclusion of our Christian stewardship.

Since churches and their institutions as well as individuals own property, invest funds and employ labor, care must be exercised that all such relationships conform to the highest Christian standards. Any judgment upon society must "begin at the house of God."

5. *Working conditions.*—We oppose all forms of social, economic, and moral waste. We urge the protection of the worker from dangerous and unsanitary working conditions, and from occupational diseases.

We stand for reasonable hours of labor, for just wages, for a fair day's work for a fair day's wage, for fair working conditions, for periods of leisure, and for an equitable division of the product of industry.

6. *Social benefits for workers.*—We stand for security for old age, for insurance against sickness and injury to the worker, and for increased protection against those preventable conditions which produce want.

7. *The right to organize for collective bargaining.*—We stand for the right of employees and employers alike to organize for collective bargaining; protection of both in the exercise of their right; the responsibility of both to bargain in good faith; the obligation of both to work for the public good.

8. *Town and country life.*—We recognize the basic significance of town and country and areas in relation to population supply, natural resources, community life and Christian culture. We believe the farmer and all other agricultural workers should have opportunity to earn a fair income.

Methodism, because of its large town and country membership and worldwide impact must lead in developing an adequate Christian program in rural areas everywhere. This should pertain to people in their relationship to God, to

the stewardship of the soil and to the conservation of all natural resources and to family, church, and community welfare.

We recognize that in many rural sections a new type of community is emerging, due to an increase of nonfarm rural dwellers. To this the church must give its attention.

9. Urban life.—Our society is becoming increasingly urban. The city is a center of power for good or ill, and its shifting multitudes desperately need the guiding and healing power of religion. The church must recognize that the city exhibits great needs and offers amazing opportunities for kingdom building.

10. Christian vocation.—We believe that every employable person so far as possible should be engaged in some vocation productive of common good. Every such vocation should be viewed as a Christian calling by those who pursue it as well as by those who receive its benefits and our daily work should be regarded as a sphere of service to God for the advancement of His kingdom.

C. Temperance

We believe that the disciplined life in Christ is a temperate life.

Total abstinence from the use of alcoholic beverages is the historic position of the Methodist Church. We seek to aid the individual, the home and society to overcome the social, economic, and moral wastes which accompany the traffic in intoxicants and narcotics, gambling in any form and the distribution of pornographic materials. We would protect the home and society from degrading and salacious materials so prevalent in the mass media.

The church should also seek to understand the causes of alcoholism and drug addiction, and to give help to their victims in a healing and redemptive ministry and fellowship.

D. Treatment of crime

We stand for the application of the redemptive principle to the treatment of offenders against the law, to reform of penal and correctional methods, and to criminal court procedure. For this reason we deplore the use of capital punishment.

We recognize that crime, and in particular juvenile delinquency leading to crime, is often a result of family failure and bad social conditions. Christian citizens and churches have a special opportunity and responsibility for creating those conditions of family life and social surroundings, wholesome recreation, vocational training, personal counseling, and social adjustment by which crime may be reduced, and the offender rehabilitated.

E. Freedom from discrimination

We stand for the equal rights of racial, cultural, and religious groups and insist that the social, economic, and spiritual principles set forth in this creed apply to all alike. The right to choose a home, enter a school, secure employment, vote or join a church should not be limited by a person's race, culture or religion.

F. Peace and world order

1. Principles.—Christianity cannot be nationalistic; it must be universal in its outlook and appeal. War makes its appeal to force and hate, Christianity to reason and love. The methods of Jesus and the methods of war moves in different directions. The influence of the church must therefore always be on the side of every effort seeking to remove these conditions of heart and mind, of social and international injustice, in which wars begin and which are contrary to the spirit and teaching of Christ.

It is not enough to declare the evil of war: We must actively and constantly create the conditions of peace and the organization for peace. These tasks include the promotion of understanding, reconciliation, and good will; the relief of suffering, the lifting of living standards around the world; concern for the freedom and welfare of dependent and subject peoples; the removal of racial tensions; the taking of all available steps toward disarmament; the giving of encouragement and support to patient negotiations by our leaders. These efforts must be viewed as a personal Christian responsibility and steadfastly undergirded with prayer.

2. International organization.—We believe that the United Nations is a working center of international cooperation which provides our most hopeful avenue leading to peace and world order. The prayers and efforts of churches helped to shape it at birth and through many of its programs opportunities for the expression of Christian concern arise. We believe that the United Nations

with its related agencies should be sustained, upheld, undergirded and strengthened by all informed and conscientious churchmen. We further believe that the missionary enterprise of the church makes an important contribution to the development of world order.

3. The Christian and military service.—The Methodist Church, true to the principles of the New Testament, teaches respect for properly constituted civil authority. It encourages both love of country and love of all men. Believing that government rests upon the support of its conscientious citizens, it holds within its fellowship those who sincerely differ as to the Christian's duty in regard to war. We ask and claim exemption by legal processes from all forms of military preparation or service for all religious conscientious objectors as for those of the historic peace churches.

We also recognize the right of the individual to answer the call of his government according to the dictates of his Christian conscience. We also recognize that nonviolence resistance can be a valid form of Christian witness. In all of these situations members of the Methodist Church have the authority and support of their church.

G. Civil liberties and civil rights

We stand for the recognition and maintenance of the rights and responsibilities of free speech, free assembly, and a free press, and for the encouragement of free communication of ideas essential to the discovery of truth.

We stand for the right of all individuals and groups to advocate any peaceful and constitutional method for the solution of problems that may confront society.

We stand upon the principle of testing every such proposal in the light of the teachings of Jesus.

IV. OUR MANDATE—READ, STUDY, APPLY

We recommend that this social creed be presented to our congregations orally or in printed form at least once a year and that frequent references be made to it. We further recommend that in every local church a committee shall encourage the study of our social creed and seek in every possible way to apply its principles.

CHRISTIAN INFLUENCE TOWARD THE DEVELOPMENT AND USE OF ALL LABOR RESOURCES WITHOUT REGARD TO RACE, COLOR, RELIGION, OR NATIONAL ORIGIN

A Resolution Adopted by the General Assembly of the National Council of the Churches of Christ in the U.S.A., December 9, 1960

INTRODUCTION

The Christian concern about employment according to ability stems from the Christian belief about man. This belief affirms that man's origin is in God; his existence depends upon God and his eternal destiny is in God's hands. Each man is created by God in His own image and therefore has supreme worth. Human beings cannot add to nor detract from this worth. It is intrinsic, unique, and essential to man's nature. For Christians this worth is affirmed in the revelation of Jesus Christ.

God gives to man the capacity to think, to create by the translation of ideas into action or things, and to choose. Men are responsible to God and to each other to see that all men have the fullest opportunity to develop and to exercise their God-given capacities. This includes vocational abilities and skills. Thus, in support of the clearly established policy of the general board of the National Council of Churches,¹ employment based on individual ability without regard to race, color, religion, or national origin should be a concern to all in the churches.

¹ The general board of the National Council of Churches on Jan. 17, 1951, voiced its concern about the safeguards against discrimination in employment as follows:

"Resolved, That the council urge that legislative and administrative safeguards be provided against discrimination in employment and working conditions based on race, creed, or national origin in the use of civilian manpower . . ."

Furthermore, the general board stated in the 1955 "Labor Sunday Message," which it adopted unanimously on Mar. 3, 1955, that an obligation to be truly democratic in its procedures and to weigh its every act in the light of its effect upon the general welfare rests upon every organization as upon every individual, and that this obligation "is not discharged unless the opportunity for employment and creative expression is equally available to all men and women regardless of creed, race, social status, or national origin."

JUSTICE IN THE ECONOMY

Both justice and efficiency in the full use of the Nation's manpower resources call for selection for employment and promotion on the basis of qualifications with major emphasis on individual capacity, character, training, and experience. Practice has shown that achievement of such justice and efficiency requires cooperative effort by the total community, including government on every level, industry and business, labor unions, educational institutions, community and church organizations, as well as individual employers, workers and other citizens. Though notable progress is being made toward this end, many barriers to employment on this basis continue to exist.

A major deterrent to equal opportunity in employment is still discrimination based on race or color. Negroes who comprise about 95 percent of the nonwhite persons in America are victimized by discrimination in employment based on race or color. Persons of other groups also face employment barriers based on race, color, religion, or national origin. These groups include Puerto Ricans, other Spanish-speaking peoples, American Indians, Chinese, Japanese, and Jews.

ENCOURAGING TRENDS

In spite of the continued stubbornness of this problem at some points, the employment situation at the start of the decade shows encouraging trends. For instance—

The proportion of nonwhite workers employed in white collar occupations and the professions more than doubled between 1940 and 1958, increasing from 6 to 13 percent.

Opportunities for employment have improved for nonwhite women, both in traditional and in new occupations. For example, their employment as clerical workers in 1958, though totaling only 200,000, was 12 times the number employed in this category in 1940.

Reliable estimates indicate that the increase in the available labor force during the 1960's will be 50 percent greater than during the 1950's and by far the largest in any decade in our history.

As progress is made in automation, it is anticipated that fewer production workers will be needed and many more workers will be necessary for the performance of services. Thus professional, office, and sales jobs, requiring greater education and training, will increase at the fastest rate. In meeting these needs nonwhite persons represent an important and largely unused manpower resource.

STEPS TO BE TAKEN

We believe that intensified effort is needed to continue to break down barriers where they still exist due to discriminatory practices of employers, including churches and church-related agencies, employment agencies, unions, and workers.

To accomplish this we specifically urge Christians and Christian churches—

1. To seek to develop an informed and just attitude toward equality of opportunity for employment based on individual ability and to put it into practice.

2. To take every opportunity, through churches and other religious groups and agencies, to further by concerted group action the constructive emerging trends toward employment according to ability.

3. To examine the churches' own positions and practices on discrimination in employment, as they relate to the employment of pastors and professional staff workers in parishes; health, education, and welfare agencies and business institutions conducted by the churches.

4. To place upon Christians—individuals and groups—in their several social and economic capacities, the responsibility to face the issue of racial discrimination by—

(a) calling upon employers and employees to ask themselves the question, Am I willing to employ and work with persons in all ranks of employment—without discrimination as to race, color, religion, or national origin?

(b) encouraging labor leaders and union members to ask the question, Will I vote to receive into the union, give equal treatment to, and recommend for all positions, workers without discrimination as to race, color, religion, or national origin?

(c) calling upon churches to ask, Have we dedicated our facilities and programs to training in and promotion of antidiscriminatory attitudes and conduct?

We believe that intensified effort is further needed—

1. To increase the availability of trained applicants for jobs steadily being opened to all on the basis of qualifications by, among many things,
 - (a) increased incentive from parents and others to encourage boys and girls to get all the education and training possible during their years of school age, and to attend night schools if they do go to work.
 - (b) provision of scholarship aid to enable children of lower income families to continue education,
 - (c) developing training and retraining courses to meet changing employment needs,
 - (d) provision of more trained counselors and more effective counseling services to begin earlier in the school years and continue beyond active schooling,
 - (e) removal of barriers based on race, color, religion, or national origin in admittance to apprenticeship training programs,
 - (f) development of increasingly effective placement services by Federal, State, and private agencies as well as educational institutions,
 - (g) special efforts to locate and upgrade members of minority groups employed in jobs below their skills,
 - (h) greater encouragement to members of minority groups to acquire training in the development of professional and technical skills,
 - (i) initiative on the part of employers to break through barriers of custom in making placements in positions traditionally denied to minority groups,
 - (j) initiative on the part of union members to break through the barriers of custom to elect officers and delegates to conventions on the basis of ability,
 - (k) encouragement to persons from minority groups to extend their search for employment beyond the customary occupations and industries, and
 - (l) encouragement to nonwhite workers to register bona fide complaints in situations subject to remedy under present antidiscrimination laws.
2. To encourage and support the adoption of legislation which provides for employment on the basis of ability and qualifications without regard to race, color, religion, or national origin, and legislation to provide a statutory base for the President's Committee on Government Contracts.
3. To encourage and support the equal application of all standards of work performance and relationships.

CONCLUSION

Though the struggle against discrimination in employment and for a universal system of employment based on ability is far from won, notable progress is being made and the means to further advancement are both evident and widely available. This is a distinct and encouraging development which the churches and church people should help to carry forward with all of the energy and resources, both spiritual and material, at their command.

Christians have a special obligation both to see that all persons have the opportunity to use fully their God-given capacities and to help the Nation achieve full use of its manpower without regard to race, color, religion, or national origin, to the end that all citizens may be enabled to serve effectively and live creatively.

Mr. ROOSEVELT. The next witness is Mr. Alexander J. Allen, associate executive director, National Urban League.

Mr. Allen, may I thank you for your courtesy in waiting beyond the time you were originally scheduled.

We look forward to your presence with us. We are happy to have you.

STATEMENT OF ALEXANDER J. ALLEN, ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL URBAN LEAGUE

Mr. ALLEN. Thank you. I feel any time I have an opportunity to listen to Dr. Ward I profit from it. So I had no hesitation about the change.

Let me say you have before you a mimeographed copy of my statement along with a blue publication.

I want to indicate that I am making a few revisions in the mimeographed statement so that perhaps you will find slight differences at points from the original text.

With reference to the booklets, I would like to acknowledge the obligation which the National Urban League feels to the Department of Health, Education, and Welfare and also to the Bureau of the Census for the material upon which most of this document is based.

You will find that what I will be saying will be related particularly to pages 11, 12, on through 16, the employment status of Negroes in the United States. Of course, because of the close interrelationship of all these factors, the employment status ties in intimately with all the rest—dependency, health, and welfare, and all the other factors which are so much a part of this whole picture.

Now, may I, in behalf of the organization I represent, express our thanks for your invitation to present testimony relating to matters which, for half a century, have been fundamental to the program perspectives of the National Urban League.

I am referring to achievement of equal economic opportunity for all Americans—not only as a basic right implicit in the provisions of our Constitution, but also as an ingredient without which our national strength and progress cannot help but be seriously impaired.

My name is Alexander J. Allen. I am associate executive director of the National Urban League. My headquarters are in New York City.

Your committee, at previous hearings conducted in various places around the United States, has heard testimony by other representatives of our agency concerning problems of the Negro citizen in today's society and its economics. Edwin C. Barry, executive director of the Chicago league, appeared at the Chicago hearing; Dr. Joseph Walker, of the staff of the Urban League at Los Angeles, was a witness at that hearing. Otis E. Finley, Jr., associate director of the National Urban League, appeared at the New York hearing.

Hence, there is no need for me to detail again for you what the Urban League movement is, or its competence to present material that might be useful to your committee in reaching its determinations. However, I should like to reemphasize this:

The National Urban League, with its central office in New York City, is a network of affiliated voluntary social service agencies operating in concert with 62 major industrial cities of the Nation, serving more than 60 percent of the total urban Negro population. Manning these are a corps of 500 professionally trained social work personnel, experienced in a broad variety of community service. Supplementing these are some 6,000 community leaders, Negro and white, who, without compensation, provide a virtually limitless reservoir of strengths, skills, and talent to the work of the league. This farflung interracial force of volunteers is dedicated to the Urban League goal of equal importance, including, with particular emphasis, economic opportunity.

The Urban League method of approach in leading the way to solution of the Nation's racial problems has been time tested in its effectiveness for more than half a century. The methods and techniques basically are these:

(1) We compile and analyze current facts about the economic and cultural problems of Negroes in urban areas.

(2) We interpret these facts and put them to work in action programs to improve the working and living conditions affecting the Negro population.

(3) We recruit and organize community leadership for purposeful action to solve racial problems.

(4) We provide consultant services on race relations to agencies, organizations, and institutions at the local, State, and National level.

In the testimony I shall place before you today I shall refer from time to time to a 32-page document—published a few weeks ago by the National Urban League and drawn from material compiled by the U.S. Department of Health, Education, and Welfare. It is entitled "Economic and Social Status of the Negro in the United States." I shall list it here as exhibit A. A copy of it is appended for reference to the text of these remarks with which the National Urban League is providing your committee.

It is probable that you gentlemen are familiar with much of the information set forth in it. However, it is our thought that this analysis of underlying factors in racial issues of today is important for the consideration of this committee.

We believe that in any examination of what equal economic opportunity means is equating the total problem of racial relations—both here in the United States and elsewhere in the free world as well—it must be recognized that mankind in general has only three choices on how to sustain itself.

One is to earn a living. The second is to beg for it, and by this we refer, of course, to public assistance programs when necessary; and the third is to steal.

The last, of course, is unthinkable, although we all are completely aware that it occurs despite vast and expensive effort to control it. The second—I am referring here to public assistance for the needy and the disparity existing in benefits between Negro and white citizens—is vital but also tremendously expensive. Both are immensely demoralizing to those who, for one reason or many, may be forced to resort to them.

Curtailment of opportunity for the first, I believe we can agree, can do nothing but automatically aggravate the other two.

Therefore, let me place before you some nationwide documentation of the extent of that curtailment and what it means in the cold terms of a costly drag on—in example—our gross national product potential and our economy generally.

Analyses drawn from findings in the 1960 census disclose some rather paradoxical and disturbing reflections of the current employment status of Negroes across the Nation.

In the report, to which I referred earlier as our exhibit A, it is pointed out that while the economic status of Negroes improved in the past two decades, due largely to their accelerated transition from agriculture to higher paid urban-type employment and generally increased economic activity, there are still significant differentials between white and Negro workers.

May I direct your attention to this summary from the report:

Some of the gain remained permanent. Fair employment practices legislation passed by some State and local governments and executive action by the Federal Government also contributed to the improved status of Negro workers.

But even after two decades of improved economic status, the present employment position of Negroes can be described as follows:

1. Negroes are more likely to work in unskilled or semiskilled jobs.
2. When at work, Negroes are employed fewer hours per week.
3. Negro unemployment rates are twice as high as those of whites, and in certain areas, and in some occupations, very much more than twice as high.
4. Negro men earn 60 percent as much as white men, while Negro women earn a little more than half as much as white women.
5. The lower earning power of Negro men, and the more frequent breakup of Negro families makes it necessary for more Negro women to work than white women.
6. Despite higher unemployment rates, nonwhites have less protection under the unemployment insurance programs, and because so often they are in the lower paid occupations those that are protected receive smaller benefits than unemployed whites.

There are, according to the census figures, some 18,700,000 Negroes now living in the United States—more than the entire population of Canada and larger than that of our six New England States combined. Of this total, 72 percent presently dwell in metropolitan centers, with more than half living outside the Southeastern States.

Thus, by roughly applied arithmetic, we can see that a large part of the problem you have under examination here has direct significance to the economic well-being of more than 13 million people. Most of these, our previously cited statistics show, are dependent for their sustenance on income derived from industrial or similar urban-type employment available to them in the cities of today and tomorrow.

If, then, as we have submitted, the earning power of Negroes—women as well as men—is but little more than half that of their white equivalents, it becomes obvious that national progress and prosperity is jeopardized.

It has been computed that the buying power of the total Negro community is in the neighborhood of \$22 billion for all commodities and services, even in the face of the curtailments of potential that I have indicated. That is not a sum, even in these days of astronomical figures, to be regarded lightly.

It would be impudent to try and apply a yardstick to that figure in order to reckon the toll exacted from your pockets and mine to support the luxury of discriminatory employment practices. One thing is clear. It is staggering, and the loss is a disquieting element anywhere we might try and hide it in the complex of our national pocketbook.

True, by no means all of the Negro-white differential in economic status we referred to a few moments ago can be attributed directly to discriminatory employment practices. Here I interpolate, but the factor of preemployment education and training can well be and frequently is very much overestimated. In the vast majority of jobs in American industry, people learn their duties through inservice or on-the-job training after they are hired. The big job is to get the doors open at the point of initial hiring.

I think this is very clear as we look at industry generally, when we look at the field of retailing, when we look at the field of banking, utilities, the gas company, the phone company, the electric company.

These people for the most part learn their work after they are hired.

Our job is to make sure that that hiring door is open so that people get the opportunity to acquire such specialized training as may be applicable to a particular occupation.

Thus the statistics notable in exhibit A would suggest most strongly that fair employment legislation is an undergirding vital to the overall resolution of this issue.

It can be unchallengeably documented that the per capita contribution of the Negro community to the purchasing power of the total American society is about 4 to 6 as of today. The statistics reflected in exhibit A show that the Negro community is expanding over the growth of the white population at a ratio of something like 5 to 4.

Hence, it becomes clear that the balance of burden is a most crucial factor in the responsibilities resting upon both segments of our total society. You will note in the material submitted with this testimony that balance in the cost of supporting the three elements to human stability that I have noted—earning, begging or stealing—still is in maladjustment despite gratifying strides that can be cited.

There are, of course, many closely interlocking factors to be considered in bringing the productive power of the Negro citizen to any reasonable parity with reference to that of his fellow contributors to—and beneficiaries in—American prosperity and strength. Equal job opportunity is one of them. Beyond much debate, it is the most important of all, as the documentation we are submitting here makes plain.

The prohibition of unfortunate social practices through legislation can, as we have had occasion to observe in years gone by, produce fiasco—if its approach is completely negative. On the other hand—as we can also observe in the results of positive legislation now in force at local, State and Federal level, such as the type you have before you here today—effective statutory provision has become a keystone to approval by our total people toward adjustment of obsolete ailments this country cannot afford now and never could afford.

However, if inequities arising from race prejudice are to be ultimately corrected, we in the urban league movement are committed to exert the fullest effort our program can command toward achievement of the concept expressed by President Lincoln in his first message to the Congress in 1861—"to afford all an unfettered start and a fair chance in the race of life." If in the judgment of this 87th Congress, Federal fair employment legislation would support and expand fair employment enactments now in effect in 21 States and more than 40 cities would serve to complete a national foundation for the goal set by Lincoln a century ago, and we hope it does so decide, we respectfully submit that the National Urban League will offer its wholehearted cooperation toward making such action a living, working part of American teamwork.

Thank you very much.

Mr. ROOSEVELT. Thank you very much, Mr. Allen; also.

May I say that I think one of the contributions you have made today not only stems from the very well-documented presentation which you have made, but I think you have called attention to something which should be stressed. That is that this Congress has, as

you know, under consideration bills and has already passed other legislation which deals in the general field of employment and the effects of automation. Certainly it would seem to be a very incomplete effort on the part of the Congress if it does not at the same time attack a manpower failure without which the entire country is going to be deprived because of discrimination in the various fields which this legislation has covered. The most important is racial discrimination, and age discrimination is probably a close second to it. Unless we can enact this to go along with the rest of it, we have only done part of the job and we have certainly hindered the economic and social progress of our country at a very time when it can ill afford not to go ahead full steam on all points.

Would you agree, therefore, that in essence what we are advocating in this legislation is not criticism of anything that has been done on the executive level or any other level but is rather a vital supplement in order that there may be based in our basic law a statement of policy, of principle, and of machinery to effectuate its purposes thus expressed. Without this basic concept being expressed in fundamental law that perhaps we run the risk of seeing something at a later date undone at a time when it might be fatal? Whereas, if we imbed it in the basic law of the land now, it might well be an important factor in maintaining our leadership and winning the fight for free people all over the world.

Would you agree with that?

Mr. ALLEN. I agree fully with everything you have said.

I think that so often we look at a legislative proposal with a failure to recognize that if it is properly administered, as it is being administered, this type of legislation, in some 21 States and perhaps twice as many cities, it sets a kind of climate which encourages persons to fall in line and adjust their practices even without complaint, even without hearing, with nothing more than the effect of the general public climate.

Legislation has a tremendous impact of an educational type which goes on throughout a community. I speak from experience in the city of Pittsburgh in the State of Pennsylvania having helped to build support for the passage of municipal ordinances for fair employment and fair housing in the city of Pittsburgh and the same thing at the State level.

We who were intimately involved in those efforts know that the climate change was one of the most beneficial things that took place.

I would say the same thing has every possibility of success at the Federal level. I certainly hope that Congress does move ahead affirmatively to enact this type of legislation.

Mr. ROOSEVELT. Mr. Allen, would it not also be true that if we are successful in the immediate future, as we must pray we are, in giving equal opportunity for education to all citizens, eliminating racial discrimination in the field of education, and if we then fail to open the doors for employment to those people that we have now given the opportunity to be well educated, we perhaps might be doing the country a great disservice. We would create thereby an element in our society who are qualified and who find themselves completely frustrated in their ability to make use of the talents which had been developed as a result of education. Therefore, unless we round out

this picture, we may be building a Frankenstein for future generations to deal with?

Mr. ALLEN. I would say it is a package. We need to do both. We need to help people to prepare. We need to make sure that the doors are open to preparation for gainful employment.

I would not want to suggest or approve anything which would make the acquisition of training appear to be less important or even to be hazardous.

As a matter of fact, that very frustration which a person experiences when he cannot use his training can be channeled constructively to build support for subsequent action, the executive, administrative, or legislative, or whatever, to open doors which may remain closed.

Perhaps I can make that a little clearer.

In the National Urban League, we carry on a great deal of work with young people, vocational guidance, career conferences, youth incentives, and motivation. We say to young people not that everything is rosy and perfect and that all will be well when they acquire their training; we say, get training, prepare for the future; not that things are now perfect, but that one of the most powerful instruments for opening doors now closed is the matter of full preparation. So we never suggest directly or indirectly that training is not important even though we know there may be some frustrations up the road.

Mr. ROOSEVELT. I would agree with that and I would not want to belittle any part of the package, but if a package has a hole in it some place the whole package can well be destroyed.

Mr. ALLEN. The answer is to get the entire package.

Mr. ROOSEVELT. Right. Mr. Allen, I want to again, on behalf of the committee, express our appreciation to you for your contribution. We look forward to your support as our efforts go into the next stage. Thank you very much.

Mr. ALLEN. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Without objection, the committee will accept for the record a statement by the Council for Equal Job Opportunity from Philadelphia, Pa., and the statement of the American Jewish Committee.

(The two documents referred to were accepted for the record without oral testimony.)

STATEMENT BY THE COUNCIL FOR EQUAL JOB OPPORTUNITY, PHILADELPHIA, PA.

Since its organization in 1943, the Council for Equal Job Opportunity has been working to bring about an awareness in the Philadelphia area of the need for meeting the democratic obligation of providing fair and equal job opportunities for all persons. The council shall continue in the development and execution of programs that would help in the realization of this objective.

During the years since its organization CEJO has seen the enactment of a Philadelphia city ordinance prohibiting discrimination in employment. We participated in the drafting of this ordinance and worked to secure its passage in 1948. The council was greatly responsible for having secured the first fair employment practices bill to the General Assembly of Pennsylvania in 1947.

During the intervening years, we mobilized the organizations in the Philadelphia area in the support of a State FEPC until it was enacted in 1955. It is evident, therefore, that we are vitally concerned about the enactment of legislation that will eliminate discrimination in job opportunities based on race, religion, or national origin. The Federal Government has expressed concern about this problem over the past 20 years, dating back to 1941. With the issuing of Executive Order No. 8802, we have witnessed the concern of

Government as expressed through its Chief Executives for the problem of discrimination in employment. Each succeeding President has issued such orders and they have been increasingly strengthened.

However, in spite of our city ordinance, State fair employment practice law and the intervention of Government through the President's Committee on Equal Employment Opportunity, we still have areas of employment discrimination that need to be eliminated. Many of the problems that presently exist cannot be tackled on a local or State level. They can only be solved through the administration of an effective Federal law that will be equally applicable to the entire Nation.

The Council for Equal Job Opportunity, therefore, strongly believes that the time has come for the Congress to enact legislation that will establish a permanent Fair Employment Practices Commission, with effective enforcement powers. We call upon the President and the leadership of both the Republican and Democratic Parties to endorse and support the enactment of legislation that will be effective and set forth the Federal Government's intention to provide equality of opportunity in employment for all of its citizens.

Respectfully submitted.

GREGORY G. LAGAKOS, *President.*

AFFILIATED ORGANIZATIONS

Association of Philadelphia Settlements.
Fellowship House.
Greater Philadelphia Council of Churches, Community Services Department.
Human Rights Committee, AFL-CIO.
Jewish Community Relations Council of Greater Philadelphia.
Junior chamber of commerce.
Presbyterian Board of Christian Education.
North Philadelphia Youth Employment Service.
Young Women's Christian Association.
Catholic Interracial Council.
Friends Committee on Race Relations.
Jewish Labor Committee.
Lutheran Social Action Fellowship.
Union League of Philadelphia.
Women's International League for Peace and Freedom.

STATEMENT OF THE AMERICAN JEWISH COMMITTEE

The American Jewish Committee, a national educational organization with chapters and units in over 50 cities and members in over 600 communities in the United States, was organized in 1906 and incorporated by special act of the Legislature of the State of New York in 1911.

For more than 50 years, it has been a fundamental tenet of the American Jewish Committee that the welfare and security of Jews are inseparably linked to the welfare of all Americans, whatever their racial, religious, or ethnic background may be. We believe that an invasion of the civil rights of any group threatens the safety and well-being of all groups in our land. On the other hand, we also believe that the extension of legal controls to safeguard and expand equality of opportunity benefits the total society as well as those whose opportunities are specifically and directly protected. Hence, we are, and over the past 54 years as an agency we have been, concerned with the preservation and expansion of constitutional and legal safeguards for all.

This is not to imply that the American Jewish Committee believes that law, as a rule of conduct enforced by State sanction, is the sole and ultimate solution to all of society's evils. Law can, and we believe has, functioned effectively to reduce and discourage discrimination based on race, color, religion, national origin, and ancestry. "Discrimination" refers to conduct which differentiates among people in situations where racial, religious, and ethnic factors should be irrelevant—such as access to housing, education, employment, public accommodations, and health and welfare services. Clearly, law is a tried and tested means of removing artificial barriers to equality of opportunity. Thus, for example, 28 States now prohibit by law discrimination on the basis of race,

color, or religion in places of public accommodation;¹ discrimination in the sale or rental of private housing is now prohibited by law in 9 States;² 20 States now have laws which prohibit discrimination in employment and establish administrative and judicial machinery to enforce such prohibitions;³ the Federal Government requires all its contracts for materials or services to contain a clause committing the contractor and his subcontractors to provide equality of employment opportunity in connection with work performed in fulfillment of such obligations.

These various laws against discrimination are enforced through the use of several different types of sanctions. Some States statutes impose civil penalties; others make nonconforming conduct criminal and subject violators to fines or imprisonment; while still others have established administrative agencies to deal with problems of discrimination. The administrative agency technique is relatively recent but it holds the most promise for success. Such agencies are generally directed to conduct educational programs in addition to performing their compliance or enforcement functions. Also, many cases of actual discrimination are settled by conciliation and conference to the satisfaction of all parties, including the Commission. In fact, most cases of probable cause are settled in this fashion and very few indeed require public hearings or cease-and-desist orders. Finally, the Federal Government has the power to terminate its contracts or to refuse to deal in the future with any contractor who breaches the provision not to discriminate in employment on Government contracts.

As we have said, law has been used effectively to remove artificially erected barriers to equality of opportunity. It is doubtful whether law can be used directly to combat or reduce prejudice, as distinct from discrimination. In this sense, "prejudice" means a state of mind which predisposes the reaching of conclusions concerning the abilities, character, or qualities of an individual on the basis of unsubstantiated notions about the racial, religious, or ethnic group to which the individual is thought to belong. While the province of law is conduct or behavior rather than mental attitudes, social scientists are now generally agreed that in reducing or eliminating discrimination, law inevitably causes a reduction of prejudice—external behavior influences convictions and emotions of normal men and women.⁴ Most people prefer to conform to the generally accepted code of behavior rather than to flout the community rule of conduct. Thus, legal conduct tends to become proper behavior while illegal conduct tends to become improper behavior—and human beings have a unique propensity to rationalize their behavior. Furthermore, the areas deemed external, and hence subject to direct legal controls, tend to change from time to time. Thus, for example, Massachusetts in 1865 was the first State to legislate a prohibition against discrimination in places of public accommodation. No legislator, at that time, would have suggested a law to prohibit discrimination in private employment. Yet today there are 20 such State laws. Had anyone suggested in 1945 when New York enacted the first fair employment practice law, that housing discrimination was an appropriate subject for statutory control, very few lawyers, judges, or legislators would have been willing to go along. In 1962, however, we have clearly reached another milestone, since nine States have enacted statutes to ban discrimination in private housing. And the courts have generally sustained such legislation.⁵

It is now more than 20 years since President Roosevelt issued Executive Order 8802 creating the first governmental agency to implement a national policy of nondiscrimination in employment. Every study undertaken since World War II has found that discrimination in employment is widespread. In 1947 President Truman's Committee on Civil Rights found the existence of discrimination

¹ Alaska, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin, and Wyoming.

² Colorado, Connecticut, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oregon, and Pennsylvania.

³ Alaska, California, Colorado, Connecticut, Delaware, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Mexico, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

⁴ Berger, Monroe, "Equality by Statute," Columbia University Press, New York, 1952, p. 172.

⁵ *Leritt & Sons, Inc. v. Division Against Discrimination*, 31 N.J. 514 (1960), appeal dismissed, 363 U.S. 418 (1960); *New York State Commission v. Pelham Hall Apartments*, 170 N.Y.S. 2d 760 (1953); *Sicason v. Commission on Civil Rights of Connecticut*, No. 94802, Superior Court, New Haven County, July 11, 1961; *Martin v. New York*, 201 N.Y.S. 2d 111 (1960).

and urged enactment of a Federal fair employment practice act. "To Secure These Rights," page 107. All congressional hearings on proposed FEP bills since 1945 have elicited expert and detailed testimony on the existence of the evil and the need for Federal legislation to deal effectively with it. As recently as October 13, 1961, the U.S. Civil Rights Commission published the results of its study of discrimination in employment and found that despite the sharp rise in the occupational levels attained by Negroes during the past 20 years, "Negro workers are still disproportionately concentrated in the ranks of the unskilled and the semiskilled in both private and public employment. They are also disproportionately represented among the unemployed because of their concentration in unskilled and semiskilled jobs—those most severely affected by both cyclical and structural unemployment—and because Negro workers often have relatively low seniority." "Employment," 1961 U.S. Commission on Civil Rights Report, No. 3, p. 157.

Since 1945, when the American Jewish Committee testified before a subcommittee of the Senate Committee on Education and Labor, holding hearings on S. 101 and S. 459 (79th Cong., 1st sess.), we have accepted every opportunity offered by congressional committee hearings to assert our support for Federal fair employment practice legislation. We do that now.

Next year we will commemorate the 100th anniversary of the Emancipation Proclamation. While slavery as an economic institution came to an end 100 years ago, many of the incidents and badges of slavery are still to be wiped from our national life. One of such "incidents" is discrimination in employment based on race or color. As requested by President Kennedy in his recent state of the Union message, let the actions of the Congress, as well as those of the executive and judicial branches of the Government, "portray that righteousness that exalteth a nation."

Respectfully submitted.

ELY A. AARON,

Chairman, Civil Rights and Civil Liberties Committee.

JANUARY 17, 1962.

Mr. ROOSEVELT. The committee will stand adjourned until 9:30 tomorrow morning, at which time the committee will meet in room 1304 of the New House Office Building.

The first witness before the committee tomorrow will be Hon. Joseph Clark, U.S. Senator from Pennsylvania; who will be followed by Hon. John B. Swainson, Governor of the State of Michigan; Dr. Joachim Prinz, rabbi, from Newark, N.J.; and Father John F. Cronin, assistant director of the Department of Social Action of the National Catholic Welfare Conference.

The committee will stand adjourned.

(Whereupon, at 12 noon, the subcommittee adjourned, to reconvene at 9:30 a.m., Friday, January 19, 1962.)

EQUAL EMPLOYMENT OPPORTUNITY

FRIDAY, JANUARY 19, 1962

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 9:50 a.m., pursuant to adjournment, in room 429, Old House Office Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Roosevelt, Dent, and Goodell.

Present also: Representative O'Hara.

Staff members present: Don Lowe, subcommittee director; Adrienne Fields, subcommittee clerk; Richard Burrell, minority clerk, Committee on Education and Labor; Leon Abramson, assistant counsel, investigative task force, Committee on Education and Labor; and Tamara Wall, assistant counsel, Committee on Education and Labor.

Mr. ROOSEVELT. The committee will come to order this morning. The committee has the great privilege this morning of welcoming the very distinguished Senator from Pennsylvania, Senator Joseph Clark, whose record in this field of endeavor is certainly one of the most outstanding of any Member of Congress.

Senator, may I welcome you to the committee and tell you that we are particularly grateful to you for coming over here and giving us the benefit of your views and assistance.

We feel very strongly that this legislation is very fundamental in the whole attack not only from the point of view of civil rights but from the point of view of manpower. In that area we know that you are the chairman of the subcommittee in the other body and we feel, therefore, we are hearing this morning from a very fine expert.

Mr. DENT. Mr. Chairman, may I concur in your remarks and join you in appreciation of the Senator's coming over and giving us the benefit of his support which he has given over so many years in this area of legislative activity, and those of us in Pennsylvania, I assure you, Senator Clark, we are very grateful to you for the effort you have put into this measure, and I am sure the people of the country ought to be grateful, too.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator CLARK. Mr. Chairman, Congressman Dent, first let me express my deep appreciation for your very kind words and also my appreciation for your courtesy in inviting me to participate in this hearing. I was delighted to accept.

I would like to commend the chairman and the other members of the subcommittee for the action which has already been taken in preparing this draft bill to prohibit discrimination in employment in certain cases because of race, religion, and so forth, which the chairman of the subcommittee was kind enough to send to me. In my opinion, it is the best bill on this subject which has yet been drawn on either side of the Hill.

I have a prepared statement here. I believe it would expedite matters if I ran through it quickly.

Mr. ROOSEVELT. Fine, sir.

Senator CLARK. I urge your subcommittee to take speedy and effective action to eliminate widespread job discrimination based on race, age, and sex.

This Nation cannot afford to lose the services of able American citizens now unemployed or underemployed because of senseless biases against them by fellow citizens with authority to hire or promote. The only recognized test in employment should be the ability to perform the work in question.

The evidence of job discrimination is overwhelming. The attack on it has just begun. If the task is to be accomplished effectively, Congress cannot let others carry the load. Equal job opportunity legislation should be at the top of our priority domestic assignment list in the current session.

I urge the committee to give the administration an early chance to make good on its pledge to support legislation to secure effectively for everyone the right to equal opportunity for employment.

May I comment briefly on the three categories of discrimination which are considered in your bill and in other pending legislation.

First, with respect to race discrimination: I know of no single set of statistics which reflects more shame on our society than the unemployment figures for whites and nonwhites put out monthly by the Labor Department.

While the economic analysts speak in glowing terms of the present recovery from the latest recession, rarely if ever is there mention of the fact that nonwhite unemployment lingers at a rate more than double that of the national average.

A breakdown of the national seasonally adjusted unemployment rate of 6.1 percent in December shows that the rate for whites was only 5.1 percent, while that for nonwhites was a staggering 11.7 percent (only three-tenths of 1 percent better than in December 1960).

I believe that the situation in our State is even worse than the national situation because our level of unemployment has unhappily dragged on at a far higher rate than the national average.

As you and I well know, we have critical need for congressional assistance in a number of different areas of employment of which this area is only one; but a most important one.

Can the members of this committee imagine what galvanized action we would be witnessing in these halls if the national unemployment figure stood at 11.7 percent, almost five points higher than it was during any of the four postwar recessions?

Again we know that we do have that rate in many areas of Pennsylvania, including an even higher one, I am afraid, in your own district, Congressman Dent.

The President's Equal Employment Opportunity Committee can and has done much to end racial abuses in Federal employment and employment on Government contracts. But its authority and appropriations are sure to be attacked sharply. We should put into effect the Civil Rights Commission's unanimous 1961 recommendation "that Congress grant statutory authority to the President's Committee on Equal Employment Opportunity or establish a similar agency."

I would also hope that the committee would recommend giving such an agency authority to encourage and enforce policies of equal opportunities in the availability and administration of all federally assisted training programs and recruitment services and all Federal grant-in-aid programs, as suggested by the Civil Rights Commission and witnesses, who appeared before this committee earlier this week.

Chairman Powell's FEPC bill, H.R. 262, now pending before this committee should receive favorable action. Congressman Celler and I have introduced similar legislation, S. 1819 and H.R. 6875, which you may want to look over since it contains a few modifications of the Powell bill which we made after rather extensive consultation with experts in this field last year. But basically it is the same measure.

Clearly, fair employment practices legislation is needed, and it should cover labor unions as well as employers engaged in commerce or in operations affecting commerce, as proposed in each of the bills to which I have referred, and also, Mr. Chairman, in your proposed committee print.

The 1960 Democratic Party platform pledged that the new Democratic administration will support Federal legislation establishing a Fair Employment Practices Commission "to secure effectively for everyone the right to equal opportunity for employment."

I hope this committee will give the administration an early chance to make good in that pledge.

Age discrimination in jobs. Another baseless prejudice, and one of the most wasteful, is age discrimination in employment.

In hearings I have conducted in my capacity as chairman of the Senate Subcommittee on Manpower and Employment, I have heard repeated testimony of job discrimination against workers 40 years of age and older.

In fact, discrimination begins even earlier. I have been appalled to hear testimony of a plant which refused to hire people over 25 and many others which would not consider job applicants over 30 or 35 years of age with many high productive years ahead of them. I have talked to these people, Mr. Chairman, and I know these are the facts.

I interpolate, there is a little village in Fayette County called Briar Hill, located on top of an abandoned bituminous coal mine. I went in there 2 years ago with a walkie-talkie. There are a thousand people in that village and not one individual man, woman, or child had a job. At least a dozen people have told me they have gone as far as Cleveland looking for jobs and were turned down because they were too old.

One of these men said, with a rather unhappy laugh, he was only 25. Another was 33. So this is a real fact. It is not just drama in testimony.

Surely we must do what we can to encourage a broadening of the useful employment age span.

Obviously, the Federal Government cannot wipe out age discrimination by legislation alone. It will take a massive educational effort to make clear to all employers that workers in their middle and late years are not liabilities because of age alone; that frequently they offer superior skills.

Let me merely state what we have done and are considering on the other side of the Hill. We have passed the administration's Manpower Training and Development Act bill to give workers with obsolete skills new opportunities to gain employment. In addition, we have pending before the Senate Labor and Public Welfare Committee Senator McNamara's bill, S. 1166, which I am cosponsoring, entitled the "Equality of Employment for Older Workers Act," and I hope that you will want to consider its provisions in coming to grips with the problem of age discrimination in employment. With your permission, I would like to offer a copy of that bill for the record at this time.

Mr. ROOSEVELT. We are very happy to have it.
(S. 1166 is as follows:)

[S. 1166, 87th Cong., 1st sess.]

A BILL To eliminate discriminatory employment practices for reasons of age, by Federal Government contractors and subcontractors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Equality of Employment Opportunity for Older Workers Act."

FINDINGS OF FACT

SEC. 2. (a) The Congress finds and declares that ability, and not age, should be the criterion for the hiring and retaining of employees; that discriminatory personnel practices with regard to age are often arbitrary and capricious and bear no relevance to the ability of the individual concerned to perform satisfactorily the work or services in question; and that with an increasingly aging population in the work force such practices have now become a matter for public concern.

(b) The Congress further finds and declares that the practice of arbitrarily denying employment opportunities to large segments of our population, solely because of age, constitutes an unnecessary waste of human resources; that such practice constitutes an injustice to those who are denied employment opportunities because of it, many of whom are thereby deprived of the means of satisfying the basic necessities of life for themselves and their families; and that the hardships occasioned by such practice places an unnecessary and unreasonable burden upon the taxpayers of the Nation who must render assistance to those who are the victims of it.

POLICY

SEC. 3. It is therefore the policy of the Congress that the practice of arbitrary denial of employment opportunities to individuals solely because of age be eliminated, and that, in considering individuals for employment, employers should be governed, not by the age of the individual concerned, but by considerations of his qualifications to perform satisfactorily the work or services in question.

GOVERNMENT CONTRACTS

SEC. 4. (a) The President is authorized and directed to adopt such measures and establish such procedures, governing the terms and conditions under which contracts and subcontracts in behalf of the United States may be entered into, as may be necessary or appropriate to insure that persons furnishing goods or services to the United States be required to observe personnel policies for all applicants and employees aged twenty-five through sixty-four, which are in

accord with the policy set forth in section 3 of this Act; except that the President may promulgate regulations exempting from the application of such measures or procedures certain types of categories of contracts when he determines that the national interest so requires.

(b) The President is authorized and directed to require compliance with the policy set forth in section 3 of this Act as a condition of approving Government contracts and subcontracts.

LABOR-MANAGEMENT CONFERENCES

SEC. 5. The Secretary of Labor shall from time to time organize and hold, in various geographical areas of the United States, conferences between labor or other employee organizations and management, for the purpose of considering possible measures of implementing the policy set forth in section 3 of this Act, and for disseminating information concerning the work performance ability of older workers.

STUDIES AND REPORTS

SEC. 6. The Secretary of Labor shall conduct from time to time (but not less often than once each two years) studies of the progress which has been realized in implementing and complying with the policy set forth in section 3 of this Act, and shall submit to the Congress a report containing the results of such studies, together with his recommendations with respect to such policy and the further implementation thereof.

Senator CLARK. In Pennsylvania, we have covered both race and age discrimination in employment in a single Fair Employment Practices Act, which has worked rather successfully since its passage in 1955. If you wish to consider that approach, and I think that it has much to recommend it, you may want to examine the law, which can be found in Purdon's Pennsylvania Statutes Annotated, title 43, beginning at section 951.

May I interpolate that I think you have an excellent provision in your committee print which would yield to the State's jurisdiction over this matter if the finding is made that they have adequate employment practice legislation within the State, thus removing the necessity for the Federal Government to go into that State.

You may want to take a look also to see whether the State commissions get adequate appropriations to enforce them. It is the easiest thing in the world to pass an act and not appropriate any money and in effect you do not have any effective legislation at all.

Mr. ROOSEVELT. That is a sound comment. That is exactly what we mean but in our report we will emphasize that.

Senator CLARK. Let me turn now to the sex discrimination in employment.

The problem of job discrimination because of sex must not be overlooked. Although female unemployment rates for whites and non-whites are lower by a point or two than male rates, we all know of cases in which arbitrary barriers have been erected against job applicants and persons deserving of promotion or better pay because of their sex.

I welcome the President's appointment in December of a distinguished Commission, chaired by your much beloved mother, Mrs. Franklin D. Roosevelt, with Assistant Secretary of Labor Esther Peterson as Executive Vice Chairman, to look into the status of women and report to the President and to Congress within the year on six key areas, including employment practices, where charges of discrimination because of sex have been alleged most frequently.

I would expect the Commission on the Status of Women to come up with a number of recommendations, including legislative proposals, to attack existing job and other discriminations against women and I know that those recommendations will be given prompt and sympathetic attention by this committee and your counterpart in the Senate.

In the meantime, I hope that your subcommittee will want to consider the McNamara-Morse proposal, S. 2494, the so-called Equal Pay Act which prohibits wage rate differentials based on sex in interstate commerce employment, one important facet of the problem. This proposal has the backing of the Labor Department.

In 1949, the House Education and Labor Committee forged new grounds in human rights legislation by recommending passage of the first FEPC bill to win approval of a congressional committee. It can better that record in 1962 by approving a strong bill to promote equal job opportunity for all, based only on individual merit and capacity.

I hope that we in the Senate can match your performance in the House.

May I express again my gratification and my thanks to you for having been permitted to testify this morning.

Mr. ROOSEVELT. Thank you, Senator Clark, very much.

I might just say that we have had assistance, in the drafting of this bill, including some people from Pennsylvania, the people who have actually had experience in the administration of various State acts.

Our bill was largely brought together with their assistance and with their guidance.

We are hopeful that much of their experience will be translated pretty much into this effort because it shows I think that if you show that you mean business in this field, compliance is going to be relatively easy. While there are always some stubborn pockets of resistance, once people are awakened to the tremendous advantages of complying with this kind of law, almost without regard to the individual's original feelings, he comes to accept the principle and benefits by it beyond any question and, of course, the whole community benefits by it.

Senator CLARK. I agree completely with your statement, Mr. Chairman. I might point out in my own experience when I was mayor of Philadelphia, our Commission on Human Relations, which was created by the new city charter in 1951 and which took over from a Fair Employment Practice Commission which had been relatively inactive, has been able to prove in 11 years of experience the truth of just what you have said.

We have been able to eliminate many substantial problems in discrimination in employment in Philadelphia because that commission, by exercising strong and intelligent leadership, has been able to bring into employment in Philadelphia a great many Negroes and members of other minority groups who were formerly discriminated against. This has met with very wide public acceptance, and it has been a rare thing indeed when the Commission has had to bring into court a recalcitrant employer.

The elimination of discriminating employment practices in Philadelphia, especially in promotion policies and in hiring for executive work, has been speeded enormously in the last year by action of an informal group of colored ministers of various Christian denomina-

tions. They have instituted a highly effective selective patronage program against companies discriminating against colored employees, and to date they have made extremely satisfactory progress in placing qualified Negroes in jobs and positions which they had been arbitrarily excluded from in the past.

Once the discriminatory practice has been discussed with the offending company or employer, the latter has usually agreed to take corrective action knowing that there is the legal power to enforce compliance or economic sanctions for failure to cooperate and being unwilling to face hostile public opinion by continuing discriminatory practices.

Mr. ROOSEVELT. Absolutely.

May I ask just one other question, because I think there is a tendency to feel in some quarters that this whole area can be handled on the executive level by Executive order, as witness the President's Committee on Equal Employment Opportunity. Would you not agree, however, that it goes far deeper as a basic problem and that, even fine as the work is that has been done by the President's committee, they cannot reach, of themselves, without statutory power, certain areas which are vital if we are not only to use our manpower but to give a good image to the rest of the world?

Senator CLARK. I agree completely. The executive action can reach a relatively small number of the total labor force. In addition to which I think the views which you have expressed and with which I concur are buttressed by the latest report of the Commission on Civil Rights which I wish had a little better hearing in the Congress than it appears to be getting.

Mr. ROOSEVELT. Thank you very much, Senator.

Mr. O'Hara, do you have a question?

Mr. O'HARA. I do not think I can add anything to what the Senator has said because it is well known to all of us here that the Senator from Pennsylvania has been one of the staunchest and most steadfast supporters of legislation in this Congress to protect and expand the rights of all of our citizens. Mr. Chairman, I thought I might make a comment to the effect that I wish more of us, both in the House and the Senate, had the devotion to this subject that the Senator from Pennsylvania has.

Senator CLARK. Thank you very much, Congressman O'Hara. I very much appreciate those kind words.

Mr. ROOSEVELT. Thank you so much for giving us your time. We are very grateful.

Senator CLARK. Thank you, Mr. Chairman.

Mr. ROOSEVELT. The committee will stand in recess for 5 minutes. (Short recess.)

Mr. ROOSEVELT. The committee will be in order, please.

The committee now has the very distinguished and great pleasure of welcoming the Honorable John B. Swainson, Governor of the State of Michigan.

Governor, we are particularly happy to have you because we know that you in the State of Michigan have experience under a fair employment practice law.

We are also particularly happy to have you because we know of your very sincere and devoted efforts in this field.

Frankly, we are looking for testimony from people who have had practical experience as well as those who are ideologically inclined to the same view as the proponents of this legislation.

The committee also this morning, Governor, is happy to have sitting with it a member of our full committee, who is not a member of the subcommittee but is a very distinguished and great contributor to the fine work of our committee, Congressman O'Hara from your good State.

I thought perhaps first we might ask Congressman O'Hara if he wanted to welcome the Governor, too.

Mr. O'HARA. Thank you, Mr. Chairman.

I feel like sort of the party crasher who then takes over as master of ceremonies.

As the chairman has indicated, I am not a member of the subcommittee. However, when I became aware of the fact that the Governor of our State of Michigan was to testify today, I wished to be present at the hearing and I advised the chairman and all those others who were interested that I thought we would receive most valuable testimony from Governor Swainson because Governor Swainson has been intimately connected with the operation of the Michigan Fair Employment Practices Commission practically since its inception both as a member of the State of Michigan Senate, as Lieutenant Governor of Michigan, and now as Governor of Michigan. Throughout that period, he has taken a very personal interest in the effective operation of the Fair Employment Practices Commission in Michigan.

I do not think that anyone could give us more accurate and more knowledgeable testimony with regard to this question than Governor Swainson.

I am very proud of the record that he has established in this field.

Mr. ROOSEVELT. Thank you very much, Congressman O'Hara. I think you have certainly documented the case that we now have an expert.

Governor, I would suggest you proceed in whatever way you wish.

STATEMENT OF HON. JOHN B. SWAINSON, GOVERNOR OF THE STATE OF MICHIGAN

Governor SWAINSON. Thank you very much, Mr. Chairman.

Thank you very much, Congressman O'Hara, for your kind and gracious remarks.

First of all, I apologize to the committee for my lateness in arriving at the hearing this morning, but I would like to express my appreciation for the opportunity to appear personally before the Special Subcommittee on Labor of the House Committee on Education and Labor.

As you know, I submitted a statement for the record to this committee when it held hearings in Chicago last October. As the committee now moves into its final deliberations on the proposed equal employment opportunity legislation, I felt it might be more persuasive if I came before you in person to testify to the need for Federal legislative action aimed at preventing discrimination in employment.

As ones who have long fought against the evils of discrimination, we in Michigan know intimately its nefarious effects. We have seen

the tools of discrimination and segregation, wielded by frightened men, maliciously used in an attempt to sap the vitality from our vigorous State.

We have sought in Michigan to eliminate the decadent practices of discrimination and segregation. Our fair employment practices commission, during its more than 6 years of existence, has demonstrated that governmental activity in this area is practicable and that enforceable legislation, carefully drafted and skillfully administered, can bring about and assist desirable changes toward a more democratic society; my Governor's code of fair practices, which is attached to this testimony, issued last spring, has spurred positive State agency action to halt discrimination in State employment; rule 9 of the Michigan Corporations and Security Commission is aimed at elimination of discriminatory practices in the real estate industry; through executive action we have ended segregation in our National Guard units.

(The code referred to follows:)

STATE OF MICHIGAN

JOHN B. SWAINSON,
Governor of the State of Michigan.

Lansing, May 1961.

GOVERNOR'S CODE OF FAIR PRACTICES

PREAMBLE

In the American beginning, our forebears set forth the principle that all men are created equal, that they are endowed by their Creator with certain unalienable rights. This is the high commitment of our national purpose. No State constitution, no State law can hinder the pursuit of equality, justice, and liberty; neither most common practice.

The State of Michigan has an enviable record for championing the cause of democracy. Through executive leadership, legislative action, and judicial edict we have taken great steps to help guarantee the rights of all citizens.

The existence of a fair employment practices act in our State imposes a special responsibility on all agencies to keep their own houses in order. We must see to it that race, creed, or national origin are never a factor in recruiting, hiring, upgrading, conditions of employment, dismissals, referrals, and training programs. State government, as an employer, has a responsibility to serve as a model for business, industry, labor, and private employment agencies.

ARTICLE I. APPOINTMENT, ASSIGNMENT, AND PROMOTION OF STATE PERSONNEL

State employees shall be appointed, assigned, and promoted on the basis of merit alone. Race, color, religion, national origin, or ancestry shall play no part in State personnel policies or practices. No State employment application form shall contain any inquiry regarding these extraneous factors; no State personnel form shall contain such information. Appointing authorities should make a special effort to make certain that their flexibility in making selections is not used to circumvent utilization of minority group persons.

ARTICLE II. STATE SERVICES AND FACILITIES

Equal treatment of all persons without regard to race, color, religion, national origin, or ancestry shall be guaranteed by all State agencies in performing their services to the public. Segregation will not be tolerated in any State facility, nor shall any State facility be used in the furtherance of any discriminatory practices.

ARTICLE III. COOPERATION WITH THE STATE FAIR EMPLOYMENT PRACTICES COMMISSION

All State agencies shall cooperate fully with the State fair employment practices commission and shall duly comply with their requests and recommendations for effectuating the State's policy against discrimination. Constitutionally

created agencies may work out agreements with the fair employment practices commission.

ARTICLE IV. STATE EMPLOYMENT SERVICES

All State agencies engaged in employment referral and placement services for private or public employers shall fill job orders only on a nondiscriminatory basis; they shall refuse any job order specifying any preference or limitation based on race, color, religion, national origin, or ancestry and shall inform the fair employment practices commission of this prohibited request. If a request for exemption based on a bona fide occupational qualification is made by an employer it shall be referred to the fair employment practices commission.

ARTICLE V. STATE LICENSING AND REGULATORY AGENCIES

Race, color, religion, national origin, or ancestry shall play no part in a State licensing agency's decision to grant, deny, or revoke a license.

Where a duly constituted governmental authority, in an official proceeding conducted according to law, finds that a licensee has, in his capacity as such, discriminated against anyone because of race, religion, national origin, or ancestry the appropriate licensing authority shall take such disciplinary action against the licensee as may be provided for.

ARTICLE VI. STATE CONTRACTORS AND SUBCONTRACTORS

Every State contract and subcontract for public works or for goods or services shall contain the clause prescribed by section 4 of the Fair Employment Practices Act (Act 251—Public Acts of 1955), prohibiting discriminatory practices by contractors and subcontractors. Such contractual provisions shall be fully and effectively enforced; breach of them shall be regarded as a material breach of the contract. Each State agency shall submit to the Governor as part of its annual report, certification of implementation of the nondiscriminatory contract clause. (See art. X.)

ARTICLE VII. EDUCATION, TRAINING, AND APPRENTICE PROGRAMS

All educational and vocational guidance counseling programs and all apprenticeship programs and on-the-job training programs of the State, or in which the State participates, shall be open to all qualified persons, without regard to race, color, religion, national origin, or ancestry.

ARTICLE VIII. STATE FINANCIAL ASSISTANCE

All State agencies engaged in granting financial assistance shall deny it to any applicant and withdraw it from any recipient engaged in discriminatory practices, consistent with the statute under which they operate.

ARTICLE IX. PROMULGATION OF NONDISCRIMINATORY EMPLOYMENT POLICIES

All State agencies shall promulgate a clear, definitive written policy of non-discrimination in employment; they shall review regularly their personnel practices and procedures and correct any which may contribute to the possibility of discrimination; they shall include in their continuing on-going programs of orientation and training special emphasis on nondiscriminatory employment.

ARTICLE X. ANNUAL REPORTS

Each State appointing authority shall report annually to the Governor between December 15 and January 1, all activities undertaken in the past year to effectuate this code of fair practices. The report shall cover both internal personnel practices and external relationships with the public and with other State agencies.

ARTICLE XI. PUBLICATION AND POSTING OF THIS CODE

Copies of this code shall be distributed to all State officials and appointing authorities. Copies shall be posted in prominent locations in all State facilities.

Governor SWAINSON. As I indicated to you last October, we are presently introducing legislation on the State level designed to eliminate discrimination in housing, in education, and in public accommodations.

The problems of discrimination are bigger than our State, however. They are bigger than any State. They are problems that are national in scope, problems that touch the warp and woof of our national fabric. For discrimination flaws our democratic society; it tarnishes our world image.

It is with considerable interest, therefore, that I offer my comments on the Federal equal employment opportunity legislation being considered by this committee today.

Let us go right to the heart of the issue by asking three questions: (1) Is this a serious problem? (2) Can and should the Government do anything about it? (3) If so, what should be the nature of governmental activity?

Let us examine each of these in turn.

Without question, the acquisition of equal rights for all our citizens is one of the most serious problems facing the United States today. The survival of our Nation is intimately involved in this question. The uncommitted peoples of the world judge the sincerity of this Nation in its professions of democracy on the treatment received by our minority group citizens. In a time of increasing international concern, this Nation can no longer afford, if indeed it ever could, the harm done by discrimination.

Further, discrimination deals a harsh blow to our economy. As we seek more jobs in Michigan to build and strengthen the economy of our State, we find no obstacle more disheartening, more defeating, than discrimination based on the color of a man's skin. We can no longer afford to lose the skills and talents of our minority workers; we can no longer afford to lose the purchasing power of the minority worker who is unemployed or underemployed.

We must encourage all of our people to develop their potentialities so that they may give to the Nation the best they have to offer. Discrimination in employment is not only harmful at the time it exists, but its aftereffects are long reaching. Minority group youth often lack motivation because they see little opportunity to use any skills they might develop.

In light of the nationwide magnitude of this problem of discrimination, I am persuaded that the need for legislative action is great.

I believe the Government can and should take strong action to eliminate discrimination. More than 20 States now have statutes prohibiting discrimination and commissions working to prevent and eliminate it. The experience of these commissions, and certainly of the Michigan Fair Employment Practices Commission, indicates that legislation in this area, properly drafted and skillfully administered, is effective. Fears and apprehension held by some in Michigan before the passage of our Fair Employment Practices Act have been assuaged by the responsible manner in which it has been administered.

Legislation in this area is only the logical extensions of the doctrine of equal treatment under law. The Federal Government, through executive action, judicial decision, and legislative enactment has increasingly sought to guarantee the constitutional rights of all citizens.

It is proper that the Federal Government now seek, through legislative action, to guarantee the right to equal opportunity in employment to all citizens. Beware of the siren voices which cry, "You cannot legislate the hearts and minds of men." Fair employment practices legislation is aimed at controlling antidemocratic behavior, not thought or attitude.

Legislation to be effective in this area must contain enforcement powers; it must provide for initiatory powers; it must properly define discrimination; its appellate provisions must be clear.

I believe that as the Federal Government moves into this area, it should not seek to preempt the field, but rather should work out cooperative relationships with the already existing State commissions, thus preserving the body of knowledge, experience, and skill of State agencies. Finally, to be meaningful, it must provide an adequate budget to secure the staff necessary for the task.

Let me say one word about States rights for, no doubt, this will be an issue when the question is debated. I believe in States rights, but not in the tawdry conception that their chief function is to protect discrimination. I believe in States as important units in our system of Government. I believe in States' responsibilities, also—and, in Michigan, we believe one of the chief responsibilities of government is the protection of the constitutional rights of all our citizens.

If this Nation is to tread safely into the unknown of the future—if it is to face with determination those known dangers of the present—it must utilize every resource in its possession, every power at its command. The Nation's greatest asset is its human resources. We must not permit any artificial barriers to hinder the development and utilization of this resource. The Government has a role in this important endeavor that must be asserted.

Thank you very much.

Mr. ROOSEVELT. Governor, may I thank you very much for a very excellent and very clear statement which I feel will be of tremendous assistance to this committee in its work.

I would like to comment, Governor, that we owe you in Michigan a debt of gratitude for the cooperation which members of your Michigan Fair Employment Practices Commission have given to the staff of this committee in discussing the provisions of the proposed legislation.

I think we have made every endeavor to try to carry out your suggestion that we make use of the body of knowledge, experience, and skill of the State agencies by the provisions of the proposed legislation.

I for one feel that the committee is fairly well united in support of that provision.

I should like to say that I agree with what you say about an adequate budget, but, of course, this committee does not have jurisdiction over that. That will have to come from action, first of all, on the President's part, through the Bureau of the Budget, and secondly by the Appropriations Committee. Much as we would like to assume that authority, I do not think we would be successful even if we wanted to.

I should like to ask whether you feel, as the Governor of such a great State as the State of Michigan, that the enactment of this legislation is of sufficient importance to the overall picture of the utilization of the

skills of the population as you see it in your State and certainly, therefore, in other similar situations, that perhaps we in this committee might be justified in asking your help in reaching those persons who perhaps have not yet fully understood the importance of it.

What I am trying to say is that there is, I think, some lack of understanding of the urgency of this problem and a feeling that until there is a real demand for it, of an explosive nature, that perhaps there is no hurry about enacting it, whereas some of us feel there is a great hurry and the time to do it is now.

Governor SWAINSON. Mr. Chairman, if I could comment in that regard, I certainly think that the time is present. I think it has been here for some time.

I think that one of the great values of the passage of this legislation is the educational function that it will accomplish.

People tend to fear legislation like this at the same time that they profess that there is no problem.

We particularly in Michigan, and I know Congressman O'Hara is very well aware of some of our employment as well as unemployment problems, the cost of discrimination to our citizens is great.

A person that finds himself to be hired last and fired first for an artificial reason such as we have described, the color of your skin, becomes a drain on the economy of a State. It is a costly thing. Sometimes it is not understood what is being attempted in fair employment practices legislation. I think rather than wait for a crisis, the time is present to accomplish in this area when it can be done in an orderly fashion and with understanding and through conciliation and discussion. This is the way we should accomplish this.

Mr. ROOSEVELT. I agree with you. There is also an interest because there is a great body of opinion that feels this whole problem can be handled at the executive level. Would it be a proper conclusion to say that even though you have pointed out there is a proper place for executive action as you have done in Michigan under the authority resting in you as Governor, that nevertheless there is also a place for basic legislative enactment to give basic support to such action. Would it be a fair conclusion for this committee to say that, without disparaging in any manner the fine efforts at an executive level, the job will not be complete and will really not be effective until there is legislative action to support it?

Governor SWAINSON. I sincerely feel that.

As Congressman O'Hara pointed out, I was a member of the Michigan State Senate at the time we became the 14th State in the United States to adopt the fair employment practices commission. I was very active at that time and yet, as you will recall, our Governor was not at all backward or reticent in making his views known in this regard, and did so in an executive capacity. But it also needed the strength of legislative action to make felt the real policy of the State in this regard.

As you can see from the Governor's code of fair practices which is attached to the testimony, we have accomplished a lot in the executive department. Each agency has clearly spelled out a policy in regard to their employment practices. The employee knows this.

We have systematic and periodic reports on whatever matters have come before them, what has been accomplished. But certainly this

does not apply throughout the State. It is my hope, and we have arranged to have a conference of our largest employers in the State of Michigan, to show what we have accomplished in the executive department and how best to implement our fair employment practices legislation.

Mr. ROOSEVELT. I am interested in article III of that code, in which you specifically instruct the State agencies to cooperate with the State fair employment practices commission.

It would seem to me that is the kind of harmony that we should set up here.

I may be anticipating Mr. Goodell here, but I hope while you are here you will make this same philosophy known at a place called 1600 Pennsylvania Avenue.

Mr. Goodell?

Mr. GOODELL. Governor, we are very happy to have you here. I certainly second the chairman's last comment. In his usual subtle and gracious way the chairman has referred to one of our problems. He says there is a body of opinion which apparently feels this can be handled by executive action. Our problem is that the body seems to be in the White House right now.

You referred to the whole problem of getting this legislation that we might enact coordinated with State laws.

What effect would you anticipate, Governor, the enactment of a fair employment practice law at the national level would have upon your Michigan law?

Governor SWAINSON. I think there would not be too great an effect because I think we have a well-functioning commission. From our experience with this commission, we have accomplished a great deal.

There has only been one court case in 5 years. There has been a greater understanding. There have been these conferences, conciliatory.

I think, as I stated in the testimony, this is bigger than one State. I think the posture on the part of our Federal Government is very necessary in this area.

I do not anticipate that it is going to have a great deal of effect on Michigan. I am very pleased with what we have accomplished in our State.

Mr. GOODELL. You would anticipate, in other words, if we put in a provision that our Federal Commission can make an agreement where there is an effective fair employment practices commission in the State for the State commission to continue that that would happen in the State of Michigan?

Governor SWAINSON. I am sure it would.

Mr. GOODELL. You, I take it, do feel that there is an urgent and immediate need for Federal legislation in this field and that this problem cannot be handled at the national level by executive action?

Governor SWAINSON. I do feel this way. I think that this strengthens executive action in this area and I am referring to your earlier question, I am convinced from my own conversations with the President and his activities as well as his administration that they, too, endorse this position. They might differ on the means of effectuating it, but I sincerely feel that one complements the other.

Mr. GOODELL. Of course, it has not been mentioned through any of the messages of the President, and he has not sent anybody up here with a draft of a bill, which is the usual procedure if you are enthusiastically in favor of some legislation.

I am hopeful before we are through, we will smoke him out, that he will come out. Right now we are not getting the kind of leadership necessary to get it through.

You mentioned, Governor, the problem of age or sex, which are now embodied in our draft bill.

You do not cover either of those, discrimination on the basis of age or sex in Michigan, do you?

Governor SWAINSON. We are recommending to our legislature this year that the jurisdiction of the fair employment practices commission be extended in this area to cover age. But I have this problem posed many times. These are problems particularly today in the area of age.

A man that has a family half grown and maybe a mortgage half paid and finds that his skills are obsolete, as often occurs in Michigan, which has its economy based on the production of durable goods. He finds that he is denied the opportunity to work because of chronological age.

We are going to attempt to get at this problem through the mechanisms of the Michigan Fair Employment Practices Commission.

However, as we have developed in Michigan, I think this is subsequent to this type of legislation.

I do not think that you can compare the discrimination that occurs because of age with the discrimination that occurs because of a man's skin.

I have been particularly interested during my entire Government career in the problems of the physically handicapped and probably one of the reasons was because of my own experiences during my service career.

I sustained an injury which was disabling. In fact, both of my legs were amputated and I found that I was discriminated against in my seeking of employment while I was not going to school during the summers because of a physical impairment. Even so, that physical impairment is nothing to match the physical disability that occurs when your skin is dark and you apply for a job.

I would think more the enormity of this thing cannot be compared with the discrimination that might occur because of age or sex, although that might be subject to legislation at a future time.

Mr. GOODELL. You feel in terms of priority, the discrimination on the basis of race, creed, color—

Governor SWAINSON. National ancestry or origin is primary.

Mr. GOODELL. We are a little bit concerned because we are, on the basis of our provisions barring discrimination on the basis of sex, apparently forging ahead of all States.

We know of no other States that have such a provision.

We have precedents for the barring of discrimination on the basis of age in several State statutes including my own State of New York. That is a serious question with us right now.

Would you agree, Governor, that this question that you referred to, the last hired and the first fired, is a rather complicated question that

goes in many instances far beyond just the color of an individual's skin in reference to the employer himself? Quite often the Negro who is the first fired is the first fired because he has throughout his life not had an opportunity to develop his skills.

Again it goes back to discrimination, but it may be discrimination that denied him training or education or, as you have pointedly, and I think appropriately, pointed out he may not have been motivated to develop his own skills because he thought whatever he did he was still going to be performing a menial job even though he was trained to do better than that.

So we must have a broad scale approach to this that we are not going to solve these problems by any fair employment practice law alone.

Governor SWAINSON. As I have testified, and I sincerely believe that no one piece of legislation is going to solve all of our difficulties in this particular area, but I strongly believe that this would not be the reason for any procrastination to say we must have a broad picture before we do anything.

Mr. GOODELL. I agree with you. I am interested in your statement that you are introducing legislation barring discrimination in Michigan, in housing, education, and public accommodations.

I am surprised you have not had that kind of legislation in the past in Michigan.

Do you have a problem of discrimination in housing and education and public accommodations that can be met by law that has not been met in the past?

Governor SWAINSON. Perhaps this is not as well worded as it might be.

I should say to strengthen it. We have a public accommodations law. We have certainly in our executive capacity exercised the rule-making power in the area of corporations and security commissions, the defining for the persons licensed by us as real estate salesmen or brokers as to their activities in this particular area. We are going to strengthen this.

I am sure that New York has had these problems. I think I have read in the last few weeks of a rule that is of some currency in New York where some unethical real estate broker tried to panic a neighborhood by making certain representations and they have attempted to control this activity.

In education, we certainly do not have any segregation whatsoever but we do find that some of our older laws provide for a redistricting of school districts at times that might result in effective segregation and this is what we are attempting to strengthen in these regards.

Mr. GOODELL. Would you agree, Governor, that a national FEPC law would not be directed at any particular region; that we have in all parts of our country, in the North, particularly in urban areas, a very serious racial problem, that a national law might be of some assistance?

Governor SWAINSON. I think the posture of the National Government can be as well expressed by the passage of this legislation, and this is the National Government.

Mr. GOODELL. When we were in Chicago and in New York I might say since my colleague, Mr. Pucinski, is not here to defend Chicago, we were amazed at the amount of discrimination that there was through what might be called natural means. They permitted, for

instance, all the Negroes to collect in one area so, in effect, they were in a ghetto, and they went to schools, the redistricting of schools, to see that they were segregated by natural process although they did not have any artificial segregation and their laws apparently prohibit it.

Do you have that existing in Detroit and Michigan?

Governor SWAINSON. As I attempted to point out and I realize it would not be very familiar to you, rule 9 is one of these attempts where it was discovered in a case of some publicity that is referred to in Michigan as the Grosse Pointe point system, a group of real estate people decided on points whether or not you could purchase in a certain area. It depended to some extent on the inflection of your voice, your antecedents, the swarthinness of your skin, your schools you might or might not have attended, and actually your reading material, what sort of books you read, as to whether or not you could live in an area.

Our attorney general is very vigorous in enjoining this particular action and an outgrowth of that was this particular rule promulgated by our corporations and security commission that under the law describing fair practices attempted to clarify what would not be tolerated as an unfair practice.

I think we have accomplished, as I say, executively, something which there has been a reluctance to do legislatively at times.

But I will grant you that at times there are some reprehensible practices that creep into the administration of laws.

Mr. GOODELL. Governor, I appreciate your being here.

When your predecessor was here this week, he also spoke very strongly for this law. I asked him specifically if he would go out and try to put some heat on the President.

I think if you can do the same, the combined assault of two of you probably would be irresistible.

We would like to get him out in front on this.

I would appreciate any assistance you can give us.

Governor SWAINSON. I do not know whether I will have an opportunity to visit with the President during my short stay in Washington but certainly if you feel there would be a lack of leadership, maybe you could fill that vacuum yourself.

Mr. GOODELL. We will have plenty of leadership on the House side and on this committee's side on a bipartisan basis. But I think you will agree there is often a situation where it is a futile exercise to try to put legislation through unless you have strong Executive leadership out in front. And we have not got it. There is no question we have not got it in this legislation now. We did not have it last year.

The President told us it would be the first order of business in January to press for civil rights legislation. The President had an obligation to do it. He did not do it through the whole session last year. This year he has put in some nice sounding phrases in the state of the Union message that this would be a nice thing. We all know that he is not going to get it unless he stands up and pushes for it. It is not encouraging that he has not even felt it worthwhile to send up here a recommended draft by the administration.

So, in response to your statement, he will have the cooperation from my side and from me, certainly, and I will provide every bit of push to this I can, but I am not comparable by any means to what we need here, the power of the President behind this.

Governor SWAINSON. From my relationships with the National Executive Office as well as his administration through the Attorney General's Office, I am thoroughly convinced he has made his position known and we are quite clear where he stands in this particular area as we are in just about every area.

I do not share your concern in this regard.

Mr. GOODELL. Let me say, you do not share my concern, that if you have the opportunity at least go out and confirm your own feeling that the President does want this and is willing to lead us.

Governor SWAINSON. I am sure he will be.

Mr. ROOSEVELT. Mr. O'Hara, do you have any questions?

Mr. O'HARA. Yes.

I should like to say that I appreciate Mr. Goodell's remarks about bipartisan support for this bill. I hope that we will have truly bipartisan support for this legislation.

I think, Governor, that we could hark back to some of the bipartisan support received by the Michigan Fair Employment Practices Commission in a way that has a particular personal relevance for me in that a gentleman who served as Representative of the Seventh District of Michigan, which I now represent, from 1912 to 1930, Louis Crampton, was at the time of the passage of the fair employment legislation in Michigan, a member of the Michigan House of Representatives. I believe that he gave you and others in the Senate some assistance, did he not, Governor, in the passage of the legislation?

Governor SWAINSON. He certainly did. Judge Crampton, as we normally call him, during that time in Lansing was a bulwark of strength in this regard.

There was one event that occurred during the legislative debate in the house of representatives on this particular legislation, which stands out in a good many people's memories. He was sort of deserted by a number of his own colleagues as they excused themselves from the floor on an excuse, and he elicited some humor because of where he said they were going he indicated it was long overtime and then they came back and we did enjoy bipartisan support. As a matter of fact—we have a 34 member senate, as you know—the bill passed with 20 votes. A majority of the senate and 10 of those persons were Republicans and 10 were Democrats.

Mr. ROOSEVELT. Will my colleague yield for one comment?

Mr. O'HARA. Yes.

Mr. ROOSEVELT. I have sat here trying, as chairman trying to mediate between the Democrats defending themselves from the Republicans on this side, and I think it is high time that someone got up and said occasionally Congress might act on its own.

I would hope that if my Republican friends find that there is sincere support for this bill on the Democratic side that they get together with them and a Democratic coalition in the House or in the other body is sufficient to pass this bill.

While I do not in any way deprecate the tremendous assistance which the influence of the President of the United States can have at all times, it would be pretty nice if we could just do this as an expression of the will of the Congress on an important fundamental policy. I think if we just stick to that for a while and quit worrying about the President, we will get along better.

Mr. GOODELL. You will agree, will you not, that we are acting on our own?

Mr. ROOSEVELT. Yes, but we should not worry about anybody else. I think we should act on our own.

Mr. O'HARA. I just wish to make the point that in the first place, I am proud of the actions of my predecessor in this House, Louis Crampton, as a member of the Michigan State Legislature.

I think it is a wonderful example of true bipartisanship and I want to make a point that there is bipartisanship and there is bipartisanship.

Mr. GOODELL. Is this Louis Crampton a Republican?

Mr. O'HARA. He certainly is.

Mr. GOODELL. Fine. I did not think the word would pass your lips.

Mr. O'HARA. He certainly is, and a very wonderful man. I want to say that I think if we can have the sort of bipartisan spirit that Louis Crampton showed in Michigan supporting a bill that had been the legislative recommendation of a Democratic Governor, Governor Williams, that we will do well. I guess we have not received a draft bill from the White House but, to show my own willingness to cooperate fully with the Republican side of the committee, I want to say that since we have no draft bill on this subject of fair employment practices legislation from the White House this year or last year, I will be happy to consider any of the draft bills on this subject sent over in the previous 8 years by Mr. Eisenhower.

Does the gentleman from New York support any of them?

Mr. GOODELL. The question you raise, yes, but the point is this. You are talking about sending legislation over here. It is just my hope that the President is going to do more than say he is for it.

You and I, as a practical matter, know what has apparently happened behind the scenes, that he is concerned about other legislation and he does not want to offend the southerners who are chairmen of committees up here on other legislation, so he is going to sit tight on this.

I think he just has not given it the priority that he needs so that he will get out front and push for this on its merits.

I have no doubt that basically he will favor this.

I hope, however, that he is going to give it the leadership that is absolutely necessary for us to pass it in both Houses.

I will give him credit, as Senator Javits has and others, on a bipartisan basis. I have given him credit, the President will favor this legislation. That is not going to be enough. Whatever you say about our going out and doing this on our own, you and I know we are not going to do it on our own throughout the Senate unless the President is pushing it and really giving us the moral leadership it takes.

We would not have had a bill, I am sure, in the State of Michigan if the executive there had not taken the leadership on it and fought for it.

This is a Democratic executive in the State of Michigan that did it.

Mr. O'HARA. Mr. Chairman, I do not want to occupy any more time. I just want to say that I think this bill does deserve bipartisan support. I am confident, as Governor Swainson is confident, that when the committee has finalized its action on the legislation it will send to the floor of the House, it will get White House support.

I did not want to leave the impression on the record that President Kennedy had failed of his responsibility of leadership in this regard.

I do not think that his record could in any way be compared unfavorably with that of the last occupant of the White House in this matter.

I think that we ought to show the same forbearance toward Mr. Kennedy's desire to see discriminatory practices ended in this country that we showed toward his predecessor.

I am confident that given the attitude of Mr. Kennedy and his strong personal convictions we need not fear on the subject of White House support for this legislation.

Mr. ROOSEVELT. I thank the gentleman from Michigan very much.

Governor, I want to assure you that the committee staff has been in constant touch with the members of the executive branch who are interested in this legislation. We have also been told who in the White House staff to keep in constant touch with and perhaps there has been much more cooperation and coordination perhaps than is evident by this discussion up to this point.

We want to thank you, Governor, very much for your helpful presence, for your cooperation with this committee, and we want to wish you the best of luck in continuing in Michigan to make the fine and wonderful record which you certainly have in the past.

Thank you very much.

Governor SWAINSON. Thank you very much, Mr. Chairman. And thank you, gentlemen. It is a pleasure to appear before you.

Mr. ROOSEVELT. The next witness to appear before the committee is Dr. Prinz, rabbi of the Congregation of B'nai Abraham in Newark, N.J.

Dr. Prinz, if you will come forward.

I might say that although Dr. Prinz happens also to be president of the American Jewish Congress, he is not here today in that capacity. He is here rather because of his being one of the foremost religious leaders in the United States.

Rabbi Prinz, we are greatly privileged to have you with us and we look forward eagerly to hearing from you.

STATEMENT OF RABBI JOACHIM PRINZ, CONGREGATION, TEMPLE B'NAI ABRAHAM, NEWARK, N.J.

Rabbi PRINZ. May I say I am accompanied here by Mr. Alan Wurtzel from the office of our Washington council of our American Jewish Congress.

Mr. ROOSEVELT. Is that correct that you are not officially speaking for the group?

Rabbi PRINZ. I am not, no.

May I then express my deep appreciation to this subcommittee for your invitation to present this very brief statement on the basic moral rights underlying the proposed Federal legislation prohibiting discrimination in employment based on race, religion or national origin.

May I say, Mr. Chairman, that this is particularly true because I served as rabbi of the Jewish community in Berlin under the Hitler regime for 4 years and during this time discrimination and prejudice assumed some stark and grim reality. So I am not talking about these matters in theoretical and merely theological terms and my concern in

reality is not that of a theologian only but of somebody who has personally experienced during that time what prejudice in the hearts of people and as translated in terms of discrimination by a government can lead to and can mean to human beings of every race and of every religion.

My training as a rabbi as well as my beliefs as an American citizen convince me that the ideal of equal justice for all, embedded in the Judeo-Christian tradition, cannot be achieved as long as odious distinctions are made among our fellow citizens on these meretricious grounds.

For the purposes of the record, I am the senior rabbi of the congregation, Temple B'nai Abraham of Newark, N.J., a congregation founded 109 years ago. I am also president of the American Jewish Congress but the views of my organization have already been presented by the executive director, Mr. Will Maslow, who has summarized the evidence of discrimination against my people in employment. I shall not go over the same ground.

Neither is it necessary for me to tell this committee of the mass of available evidence of employment discrimination against Negroes, Puerto Ricans, Mexican-Americans, Orientals, Indians and other groups in our society or the harm that discrimination does to the vital interests of this Nation.

Ever since a fair employment bill was first introduced in the U.S. Congress in 1944, the records of hearings before committees of the House and Senate have been filled with overwhelming, unrefuted testimony showing the urgent need to deal with this problem by effective congressional action. At those hearings, the support of fair employment legislation has been repeatedly expressed as the unanimous view of the organized Jewish community.

I should now like to talk about the tradition of my people which is the tradition known as the Judeo-Christian tradition, for we have laid the foundations to religious civilizations of the Western World.

The Jewish tradition, as the prophets vigorously asserted and subsequent teachings in every generation affirmed, permits no neglect of problems of religious concern. For the man of religion the pursuit of justice is the highest commandment; to establish the Kingdom of Heaven on earth his most urgent duty.

May I say, Mr. Chairman, if I may deviate from the text, that in reality religions have the most radical notions about society. Since all of us believe in man created in the image of God, any violation of equality is an insult to God. There is no more radical concept than that of Isaiah and of Jesus because these are concepts in terms of absolutes and there is no compromise within the area of such religious absolutes involving the image of God as mirrored and repeated in the image and the life and the decency and the dignity of the human being.

But moralistic exhortations which overlook the ambiguities of real situations are surely insufficient by themselves. Given the complexities of power and the truths of human nature, religion cannot provide a magical solution to the agonizing problems that face legislators and all men of affairs as they struggle with the stubborn defects of an imperfect society. The desirable must always be wedded to the possible, the ideal to the real; a sense of justice must proceed hand in hand with a sense of the world.

Recognizing all this—there is still much that the religious heritage can teach us. Religion may have no easy panaceas to offer, but its eternal truths and ideals can—indeed must—inform all of our actions.

In the area of social action, an important aspect of which is our present concern, religion must serve as the source of those values which are the foundation of civilization: The superiority of freedom over tyranny; the compelling demand to correct injustice; the sanctity of the individual person in the face of the dehumanizing forces of totalitarianism; and the rights of all men to equal opportunity.

Sometimes I feel that people in this country and other countries talk of religion as something preached from the pulpit and something very lofty to be practiced on Sunday morning and the Sabbath. They very rarely realize that religion has a very realistic message and that unless religion has that kind of message that can be applied to daily living, it has no meaning, no sense, no purpose and no real function in a democratic society.

I think I want to emphasize that, the reality of religious beliefs as translated into the terms of the 20th century living, religion cannot escape into good sermons. A good sermon is always a bad sermon if it cannot be applied to reality; and if it cannot be lived, it becomes self-serving to the clergyman, to me or the priest, a self-serving instrument rather than an attempt to address ourselves to the urgent needs of our society.

Nothing more gravely threatens American democracy today than the fact of its incompleteness. Democracy to be secure must be complete. An incomplete democracy is an insecure democracy.

Despite all the progress we have made, American democracy remains alarmingly incomplete because millions of our fellow citizens are still being denied their legitimate democratic rights and full equality of treatment on account of their race, religion, or national origin.

Discrimination in employment severely affects not only the particular groups against which it is directed but the entire Nation. When members of these groups are denied jobs for which they are qualified, they are forced to accept less remunerative employment or none at all.

I am not talking for the Jews or about the Jews. I think equalities are indivisible. I think it would be immoral for me to talk about discrimination against my people in employment or any other field unless I also talk about discrimination about anybody else.

I think that here we are one nation and indivisible as a nation. We are also indivisible in our demand for equality. There are no favored groups. There are no favorites within a democracy. It is all embracing. It is universal, it is one, or it is, indeed, nothing.

The living standards of these groups are thus lowered and their members discouraged from developing their skills and special abilities. The Nation loses an important source of skill and manpower. Lowering the living standards of any group in the country adversely affects the economy as a whole.

I have little patience or sympathy with the view which argues that such legislation is doomed to ineffectiveness until there has been a change in the minds and hearts of men and the prejudices which many people entertain are dissolved by education and exhortation.

I want to say that legislation itself must be education. Law itself is an educational process. The Government, through laws, embarks

upon the great venture of education by demonstrating through legislation its beliefs.

I believe that it is wrong to differentiate between education that takes place in classrooms or that great public and national education, the education of a nation, and the attempt to mold the souls and convictions of a nation through legislation.

Law is indeed not to be separated from the process of national education.

The actual practice of discrimination is one of the major sources on which racial and religious prejudice feeds. Children are not born with these prejudices. Protestant, Catholic, and Jew, Negro and white, live and play and go to school together without self-consciousness until they are corrupted by the facts of the society in which they live. No education for brotherhood or equality can be successful where the principles which education sets forth are constantly contradicted by the stark facts of segregation, discrimination, and inequality. Education against prejudice can make progress only where there has been prior action against discrimination.

That is why I support fair employment legislation. This legislation is not directed against a state of mind. It does not bid anyone to change his views, or to abandon his prejudices. As a matter of fact, we have learned that prejudice as such is not attackable. Prejudice lives in the hearts of people, they are entitled to their own prejudices.

What we are talking about is discrimination. Prejudice is a property of the person, who may or may not be prejudiced.

I pity those who are but nevertheless I have no mind, nor do I have any power, to attack or to convince a person that he or she ought not to be prejudiced but, when prejudice is translated in terms of discrimination, it becomes a public concern and it becomes attackable, it becomes accessible, approachable through legislation.

They are no longer a matter merely of private conviction. They are a subject of vital public concern. By outlawing such action, we shall not only be eliminating one of the most flagrant violations of democratic practice, we shall be taking a major step in the dissolution of prejudice.

The high standards which our religious tradition extends to the world are ideal standards. And though the ideal is often in conflict with the real, this fact should not deter us from our efforts. The function of the teacher of religion, the function, too, of the legislation under consideration by this subcommittee, is to narrow the gap between the ideal and the real, and to annihilate the distance between the world as it is and as it ought to be. When we see inequity, our moral fiber must be firm and we must understand how to act.

For these reasons I hope this subcommittee will recommend approval of an effective Federal fair employment bill and that the bill will be approved at this session of Congress by both the House of Representatives and the Senate. The Nation has already waited too long for this measure which is so greatly needed for realization of the democratic ideal for full equality.

Thank you, Mr. Chairman.

Mr. ROOSEVELT. Dr. Prinz, may I just say for myself, and I am sure for all the members of the committee, that you have most eloquently and yet most practically presented the fundamentals of the

proposal itself and you have given us the kind of inspiration which I think we always need in going ahead and effectuating its enactment.

I was particularly impressed, Dr. Prinz, by your reference to the fact that laws can also be educational and that it is not necessary always—if I seem to harp on it I feel pretty strongly about it—it is not always necessary for other forms of education to have completely succeeded before the law can be passed and can be expected to be effective.

I think our history is full of examples of the truth of the statements which you have so well put forth.

I want to thank you very much for your appearance.

I would ask you if you will wait just a minute while my good friend, Mr. Goodell, a member of the subcommittee, makes such comment as he would like.

Mr. GOODELL. I certainly want to join my colleague, Mr. Roosevelt, in his comments. You have put great emphasis on the question of moral leadership that can be provided by a law and I believe, as I believe you do, that this is a matter of great urgency and we should be about this matter in this country at a national level now.

I am interested in your distinction between prejudice and discrimination. Perhaps I got the wrong impression. You seem to be saying that we cannot change prejudice that is in the heart. I would hope that you are not so defeatist as that.

I think from my own viewpoint that it is harder to change and we cannot do it by Government fiat, but it seems to me that the churches and leaders such as you are doing a great deal to change prejudices in the heart and in the world.

Rabbi PRINZ. We try. The point that I wanted to make is that you cannot embark upon any legislative program to outlaw prejudices. You can outlaw discrimination, you can attack that, you can approach that, but prejudices sometimes are in favor of something, and are sometimes good things.

I am prejudiced in favor of good food, for instance. I am prejudiced against some of the food which we get.

So I believe that prejudices, after all, live in a realm that is not attackable through legislative or public instruments.

The point I made when I digressed from the text which we prepared here is that there can be cooperation between law as education and organized religion if it is properly understood, not as a magic wand or any kind of magic trick, but often an attempt to address ourselves to the social problems of our time.

This, after all, is the prophetic concern. This is what you read in the Fifth Book of Isaiah. This is what you read in the Fifth Chapter of Matthew, social concern.

What I want to say is prejudice, as such, cannot be attacked by legislation and outlawed but discrimination can and discrimination has been and we have made headway in this field.

I believe that there is some process, if we are successful in outlawing or attacking discrimination, we might then by virtue of that fact also change the prejudices of people, and then suddenly for the first time they work together and there in an atmosphere of doing a job together, whites and Negroes, Jews and Christians, all kinds of people begin to understand each other in the process of work.

There is, after all, a discovery of human oneness and of humanity in working together. People who work together stay together.

Mr. GOODELL. I appreciate your expansion on that particular point.

You have made, I think, very clear in your latter remarks that you feel that there is a role that law can perform in eliminating discrimination and that this in turn will be helpful in eliminating what we might call negative prejudices in this respect.

Rabbi PRINZ. Yes.

Mr. GOODELL. Thank you.

Mr. ROOSEVELT. Thank you very much.

The next witness before the committee is the Reverend John F. Cronin, assistant director of the department of social action of the National Catholic Welfare Conference.

Father Cronin, we want to thank you very much for your kindness and patience. We are a little bit behind schedule. We hope we have not disrupted your plans for the morning.

**STATEMENT OF REV. JOHN F. CRONIN, S.S., ASSISTANT DIRECTOR,
SOCIAL ACTION DEPARTMENT, NATIONAL CATHOLIC WELFARE
CONFERENCE**

Father CRONIN. Not the slightest.

Mr. ROOSEVELT. We are most happy to have you and we are grateful to you for your willingness to come before the committee both in your individual capacity as well as in your official capacity.

Father CRONIN. Thank you.

I will read my testimony.

Mr. Chairman and members of the committee, my name is Rev. John F. Cronin, S.S. I am here in my capacity as assistant director of the social action department of the National Catholic Welfare Conference, and also as a consultant to the National Catholic Conference for Interracial Justice. I thank you for the opportunity to present my views briefly on this important topic.

The subject of equal employment opportunity has moral, social, economic, and legislative aspects. Each of these deserves careful attention.

In 1958, the Catholic bishops of the United States issued a historic statement on discrimination and the Christian conscience. May I quote from this statement:

It is a matter of historical fact that segregation in our country has led to oppressive conditions and the denial of basic human rights for the Negro. This is evident in the fundamental fields of education, job opportunity, and housing. Flowing from these areas of neglect and discrimination are problems of health and the sordid train of evils so often associated with the consequent slum conditions.

Later the bishops list the opportunities that must be given to our Negro citizens:

They wish an education that does not carry with it a stigma of inferiority. They wish economic advancement based on merit and skill. They wish their civil rights as American citizens. They wish acceptance based upon proved ability and achievement. No one who truly loves God's children will deny them this opportunity.

The moral principles enunciated in these quotations do not need elaboration. From a religious viewpoint, they express the God-given dignity and rights of all men. From a political standpoint, they express the rights guaranteed by our Constitution.

As implied in the bishops' statement, denial of these rights leads to social evils of the utmost gravity. When job opportunity is lacking, there is little incentive to seek proper education. Unskilled workers fill the ranks of the unemployed and the unemployable. They often add to our problems of crime, delinquency, and vice.

Economic evils also ensue. Failure to utilize available manpower is a social waste at any time. Under present world tensions, it creates a loss of output and skill that we cannot tolerate. Much of the chronic unemployment of our day has its roots in job discrimination. Workers who never had the opportunity to obtain skills now find themselves completely unwanted in most labor markets.

Finally, we may advert to the legislative aspects of the problem. Fair employment legislation has been given adequate trial in many States and cities. Even without legislation, the Federal Government has used its prestige to prevent discrimination in its own hiring practices and in those of contractors to the Government. Accordingly, we know that this is a feasible type of legislation, proved by years of experience.

It is also badly needed. While it is difficult to state which areas of racial justice should have highest priority, any one familiar with the field would place job opportunity close to the top. Without it, there is no incentive for education and insufficient income for adequate housing and medical care. By contrast, the cultural and social advancement that follow from challenging work at good pay can be a powerful factor in uplifting those ground down by decades of discrimination.

I hope that this subcommittee will report favorably on this vital legislation.

Thank you, Mr. Chairman and members of the committee.

Mr. ROOSEVELT. Father Cronin, we are grateful to you for your very eloquent and fine expression. I think it is worthy to note that one reason that the committee particularly asked you, the previous witness, and the witness who will follow you, to come before the committee was to emphasize that while one aspect of the bill deals with discrimination on religious grounds, the whole matter of discrimination has a far higher meaning than would appear on the surface.

I think it essential to emphasize what you have brought out here so clearly, that the Catholic bishops of the United States have not just wanted a bill because of discrimination where it may exist against the employment of Catholics. They have placed it upon a ground which, it seems to me, is unassailable, which is that discrimination, whether it be because of religion or race or the other facets of discrimination, basically raises issues of such broad national import as well as moral import that it is a vital concern to church leaders of all faiths.

I think the leadership which you and your fine organization and the bishops have given in this effort has meant a tremendous amount and is largely responsible for the advances made so far not only in the States but, as you pointed out, in the Federal Government.

We would hope that your leadership perhaps may be even greater in the weeks and months ahead, for we will need your support until the final days of enactment of this legislation and, as my good friend, Mr. Goodell, has pointed out, this is not the easiest road we have embarked upon.

We are very grateful for your help and support.

Father CRONIN. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Mr. Goodell?

Mr. GOODELL. Father Cronin, I echo the comments of our chairman. We are very honored to have you come before our committee. I am particularly pleased you have emphasized the high priority of a fair employment practices legislation in a civil rights program, because it points up the importance of motivation for these people who are downtrodden in one respect or another because of discrimination.

Your final comment that this will give them a new incentive to being educated and trained because they feel they will have an opportunity, when they finally finish, to be treated equally, I think is very sound and very helpful to us.

Father CRONIN. Thank you.

Mr. ROOSEVELT. Father Cronin, may I just say to you what I said, I believe yesterday, to Dr. A. Dudley Ward, when he was before the committee, that one of our problems is working through the existing channels of communication to be able to direct to the Members of Congress the really true widespread support based upon very deep principles that this legislation has and, as I said to him I would say to you, I do not want you to indulge in propaganda efforts. Yet, I do feel if there can be a proper expression from every facet of life, including such channels of communication as may be available to you and your organization, we will be grateful for it because I think it would give expression to the kind of feeling which exists but many times is not expressed or does not come to the attention of the general public and which, if it does, perhaps will make our path a little bit easier.

Father CRONIN. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Thank you very much, Father Cronin.

Again my appreciation to you for your effort and time in coming to us.

The last witnesses before the committee this morning is Dr. Dana McLean Greeley, president of the Unitarian Universalist Association of North America.

Dr. Greeley, we are very pleased and happy to have you with us.

You have heard the previous witnesses, I believe. So it will come as no surprise to you that we feel very strongly that while we have developed with great effort the practical results which are involved in this legislation or legislative effort, we feel that it must and should be grounded in some very deep principles. We have made an effort, therefore, to get expressions of opinion from the broadest possible range of those who would truly be said to be influential both from a practical and a moral point of view, and we want to welcome you as representing one of the finest associations in American life. We appreciate the fact that you have been willing to come before us.

STATEMENT OF DR. DANA McLEAN GREELEY, PRESIDENT, UNITARIAN UNIVERSALIST ASSOCIATION OF NORTH AMERICA

Dr. GREELEY. I am very happy indeed to follow in the right sequence my two colleagues, the rabbi and the priest.

I thank you, Mr. Chairman and the subcommittee, for the real privilege and the honor of being able to testify with respect to this most important piece of proposed legislation. It is in defense of American principles and of national security, I believe, of our national reputation and even therefore of world peace.

I represent the Unitarian Universalist Association of North America as its president, Dana McLean Greeley, and the denomination which I have the privilege of representing is composed of men and women who take seriously their obligations to their fellow men as every religious group does in this country of ours.

Both Unitarians and Universalists, joined together in one denomination since the spring of 1961, over a long period of years have consistently gone on record as favoring Federal and State legislation to insure equality of opportunity in employment for all our citizens without regard to considerations of race, color, ancestry, religious preference, sex, or age.

Our denomination, I wish it were needless to say, has applied these principles in its own life. One cannot pray on his knees on the Sabbath and prey on his neighbors during the remainder of the week and represent American idealism adequately. One cannot discriminate against his fellow men in this Nation and contribute to the strength and the destiny of the American Republic.

I will read to this committee the effect of some of the more recent resolves made by the people of our faith, Unitarians and Universalists, in their separate conventions previously assembled.

I will preface this reading by pointing out that these resolutions were voted upon and adopted in every case by delegates to annual meetings who were representative of our congregations in cities and towns throughout the United States.

The American Unitarian Association, for example, in 1954, adopted this resolve:

Sustained by a deep concern for the worth, dignity, and creative growth of the individual, we reaffirm a faith which commits us to acceptance of all men, and willingness to accord to all men, whatever their weaknesses, strengths, and differences, the maximum opportunity to develop their creative potential. Such a faith implies that upon the extent and intensity of a man's love for all mankind depends not the strength of our religious faith alone but even its ultimate survival.

Where social, perceptual, and behavioral barriers exist, we shall attack them directly. We shall make all men welcome and judge every man on individual merit alone. By our practice no less than our word would we proclaim our message of hope and confidence to a world desperately in need of a philosophy of love and understanding.

In 1960 our women's group resolved:

Let it be the concern of the Alliance of Unitarian Women to consider discrimination inflicted upon groups because of color, politics, religion, or sex, whether it be on the job, at the polls, in school, or before our courts, and to join in appropriate expression and action which will intensify efforts to put an end to such inequalities where they exist.

Or, consider this resolution of 1958 by the National Assembly of Churches and Fellowships:

All forms of racial discrimination are contrary to the constitutional, moral and religious principles of the United States, and harm both our own self-respect and the respect in which other nations hold us, and must be ended * * *. Therefore we urge all people of good will to work unremittingly toward abolishing all official sanctions and practices that require racial segregation in public schools, public transportation, public housing, and other publicly supported facilities: eliminating racial restrictions on membership in churches, professional organizations, labor unions, and similar semipublic bodies; eliminating racial discrimination in employment and housing; promoting mutual understanding between members of different races by all available means, including working together in organizations having members of different races; encouraging the spread of information about successful action to end or lessen racial discrimination and promote racial understanding.

In the words of our resolution of 1960:

We go on record as endorsing the principle of strong civil rights legislation in this or the next Congress. And therefore be it resolved that such civil rights legislation provide a simple and speedy remedy for those denied the right to vote, give the U.S. Attorney General the right to initiate complaints, promote integration in public schools in furtherance of the decree of the U.S. Supreme Court, and provide equal job opportunities for all Americans.

Members of our faith are concerned with this problem of equal opportunity. We are concerned because we feel that equality of opportunity is at the very heart and core of the democratic ideal.

Democracy, by definition, must insure certain rights to its citizens. It must guarantee the opportunity for participating in the process of selecting those who will govern. It must provide for freedom of expression so that the wants and needs of the people may be translated into action and achievement.

Democracy, conversely, like other forms of society, demands certain obligations of its citizens—that they pay taxes, that their young men serve in the Armed Forces and, if need be, defend their country with their lives.

If society asks for sacrifices of its people, then the people are entitled to ask something of their society. It is a well-known fact—altogether too well known to members of this committee who have so exhaustively investigated and studied this problem—that great numbers of Americans do not share the same opportunities for employment as other Americans.

Great numbers of Negroes, Mexicans, Puerto Ricans, Cubans, Indians, persons of religious persuasions in the minority in a given community; men and women over 65 (or even simply over 40 years of age); women capable of performing identical work as their men-folk—all of these groups have felt the sting of disappointment because of discriminatory practices in hiring and firing, in promotion and compensation, and other employment conditions.

How can we measure the heartache and spiritual suffering of the dark-skinned American who has perhaps received a 4-year college education, yet is unable to find a job commensurate with his abilities? Or the member of the minority group who is the first to be laid off in a recess?

How can we measure the loss to the Nation and to the economy of unused skills and undeveloped potentialities? How can we measure the dollar value of talents which are left to languish because, through fear or hatred, they are not properly utilized?

How can we measure the loss of international prestige and good will when these discriminations are broadcast through the world by our enemies and our disillusioned friends?

It is not enough to say that there is no exact measurement for anguish and suffering. Juries are asked to award damages on the basis of mental anguish and suffering in civil actions. Judges in our courts are asked to make judgments in these "gray" areas.

It is no answer to these people to say that we believe in individual initiative and the right of an employer to hire and fire whom he pleases, or that a labor union may restrict its membership by unwritten rule to whites.

We must give a clear, affirmative answer and state unequivocally our belief in human brotherhood and human dignity. We must strive for justice in human relations so that the lesson is driven home that people should be accepted or rejected on their own merits as workers and as individuals and not as Negroes or Jews or Catholics.

Practical experience, however, dictates that if we are ever to achieve these goals, we must back up our good intentions with law.

I believe the kind of law your committee proposes can do the job. I have read your preliminary draft carefully. It seems to me to embrace just the right sort of combination of voluntarism and compulsion which will make it work.

I am happy to see that there is ample room under the procedures advocated for discussion, conciliation, and persuasion before resort is made to formal proceedings and restraining orders, and with which, Mr. Chairman, you are not unacquainted, a commission against discrimination has found that in the overwhelming majority of cases persuasion was enough to bring about an end to discrimination.

Since 1946, when Massachusetts became one of the first States of the Union to adopt a fair employment practices law, only 5 cases of discrimination have had to be brought up for formal hearing. An average of 300 to 400 cases a year are processed by the Massachusetts Commission Against Discrimination. In some 30 to 40 percent of the cases, complaints are dropped for lack of probable cause while in the remainder, amicable solutions are found through persuasion and conciliation. The law, first applied to employment, has been expanded to include discrimination in housing and public accommodations.

In employment discrimination cases, the Massachusetts Commission Against Discrimination has, time after time, successfully persuaded employers to change their hiring policies to grant equal treatment. Today in the Bay State, Negroes and members of other minority groups can be seen working happily on a basis of equality with their fellow citizens in retail, manufacturing, and other industries. Although there is still much to be accomplished, significant progress has been made.

I cite this particular State illustratively. I am sure that results have been much the same in others of the 20-odd States where fair employment and similar civil rights legislation is on the books. I think it is important, in light of the remarkable success scored by the methods of persuasion, to assure those who might, because of regional associations, hesitate to vote for this act, that this is not punitive legislation. But, rather, this is eminently fair legislation applying the best workable procedures in our American legal and administrative experience.

I have been happy in reading the tentative outline of the legislation to discover what seems to me the complete fairness and even patience, at the same time firmness, with regard to the phraseology of the legislation. Your bill is fair to the employer, fair to the union, but, above all, fair to the worker. And it is based by the solid experience of World War II when the doors of opportunity were flung open for the first time to thousands upon thousands of Americans through the Fair Employment Practices Commission of your late great father as President of the United States.

It took a world war and our desperate defense needs of that time to bring action in this vital area of human concern. I hope and pray that without a third world war we can enact this legislation permanently.

The President's Commission on Civil Rights is supportive of your interest. I would hope that the White House will feel that the consensus of opinion is right, yes, even insistent, that this legislation be passed.

The Federal Equality of Opportunity in Employment Act should become law on its own merits because it is the right thing to do, because it is the moral thing to do.

I am proud that the rabbi and priest have spoken before me, as inheritors of the Judeo-Christian tradition, because it is the thing that is our clear duty to do. This action is a necessity for the people concerned. It is a necessity in terms of the affirmation and application of our democracy which will not survive if we do not believe in it and live it.

The rabbi said that no prejudice is in the heart to begin with. It is placed there and we can eliminate it again or eradicate it and good legislation combined with public opinion or expressive of public opinion will help to eradicate prejudice wherever it exists.

I wish to place my personal support behind this great humanitarian proposal.

I thank you very much, Mr. Chairman and members of the committee.

Mr. ROOSEVELT. Dr. Greeley, we want to thank you for your very forceful and, I think, very wonderful presentation.

Incidentally, you have given us a phrase which I think will live for some time with us, "pray on our knees on the Sabbath and prey on one's neighbors the rest of the week" is the kind of phrase which I think will vividly bring the point home to many people.

I would like to just comment very briefly. You mentioned the President and I think it would be a wonderful thing if you and any of your associates could let the President know of your feelings on this subject.

I am sure my friend, Mr. Goodell, will be happy to have you do that, too.

Dr. GREELEY. We shall not fail to do that.

Mr. ROOSEVELT. Again I want to express my own personal appreciation to you, Dr. Greeley, because I think what you have said and the fine work which you have done in this area in bringing our attention to the work of the Massachusetts commission points up the very thing which we feel, which is that if we can once enact this into law with the machinery that is provided in this bill, not only will we not overburden

the courts but we will bring about a situation where, as has occurred in almost every State where so much opposition was originally expressed, once the law became operative, very quickly the benefits deriving from it become so apparent that with a little effort on the part of the legal authorities involved, there never needed to be much more than persuasion.

We think the same thing will be true on the national level but its impact will be so much greater because not only will it give an image to ourselves here in our own country but the tremendous assistance which it will give to our image in all the rest of the world, I think will be a great force which, heaven knows, we need in this time in the struggle in which we are engaged.

DR. GREELEY. We concur with you entirely.

MR. ROOSEVELT. Thank you, sir.

MR. GOODELL?

MR. GOODELL. Dr. Greeley, we thank you very much for your statement. I take it from your remarks that you agree with us that there is an urgency and an immediacy about this problem that it should not be given a place of second fiddle to anything.

I hope you will follow our chairman's exhortation and in communicating to the President you will convey the urgency and immediacy in this communication.

DR. GREELEY. Thank you.

MR. ROOSEVELT. Thank you, Dr. Greeley.

The chair would like to submit for the record a letter from Gov. Otto Kerner of the State of Illinois; a letter from the president of the North Carolina chapter of the Unitarian Fellowship for Social Justice, Frances Cox; and a letter from James B. Carey, secretary-treasurer of the Industrial Union Department of the AFL-CIO.

Without objection, they will be placed in the record.

(The documents referred to follow :)

OFFICE OF THE GOVERNOR,
Springfield, Ill., January 18, 1962.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: I have your letter requesting my views on the proposed Federal Equal Employment Opportunity Act.

In addressing the Illinois General Assembly last March in support of enactment of a State Fair Employment Practices Act, I said:

"To deny employment opportunities to a substantial number of our citizens solely because of race or religion is morally indefensible and economically unsound. It belies our traditional belief in individual worth and it confines countless persons to jobs below their capabilities or to no job at all. Unfortunately, many of these same people must then turn to government for assistance.

"The age-old argument that you cannot legislate against discrimination is not borne out in States with Fair Employment Practices legislation. They have realized an encouraging degree of success. To those of you who fear harassment and interference by an army of Government investigators or court proceedings, let me assure you that this has not been the history of fair employment practices enforcement, nor will it be the pattern in Illinois. Perhaps the greatest achievement of fair employment practices legislation to date has been that its successes have been accomplished without fanfare—through conciliation and conference."

The legislature responded, and after 18 years of failure, we succeeded in enacting an Illinois fair employment practices law.

I would hope that the principles of fair employment practices will be extended to all other States, and I support any legislation that will enhance equal job

opportunities throughout the country. At the same time I must decline to endorse a particular bill until we in Illinois have secured the hard-fought victory which our own law represents. At that point we will have developed a backlog of experience by which to evaluate other legislative proposals.

With best wishes,
Sincerely,

OTTO KERNER, *Governor.*

CHARLOTTE, N.C., January 17, 1962.

Representative JAMES ROOSEVELT,
Chairman, House Subcommittee on Education and Labor,
U.S. Congress, Washington, D.C.

DEAR MR. ROOSEVELT: I write in my personal behalf and as president of the North Carolina Chapter, Unitarian Fellowship for Social Justice, in support of the fair employment practice bill on which hearings are being held this week. Dr. Dana McLean Greeley, president of the American Universalist-Unitarian Association, is also speaking for our chapter in his appearance before your committee Friday morning.

In support of such legislation I attach a reprint of a series of articles by Reporter Gene Roberts that appeared in the Raleigh (N.C.) News and Observer September 3, 4, 5, and 6, 1961. These articles describe in detail how impossible it is for Negro high school or college graduates to find good jobs in North Carolina.

I feel that fair employment legislation is essential not only for the welfare of the Negro but for protection of the businessman himself. In some parts of the country a businessman who wishes to hire Negroes will be put at a disadvantage by competitors who do not. Fairminded businessmen ought not to be penalized for an effort to put democracy into practice. Even where such risks do not exist, a businessman may fear that it does exist and be reluctant to act. Fair employment legislation will put all businesses under the same umbrella and make it easier for them to open up job opportunities to all.

Human fulfillment is the purpose of democracy, and our country is under great obligation to show that it is capable of fulfilling this purpose. The fair employment practice bill is a step in this direction and I urge its enactment.

Sincerely yours,

FRANCES COX.

President, North Carolina Chapter, Unitarian Fellowship for Social Justice.

(Reprints of series of articles appear in the subcommittee files.)

INDUSTRIAL UNION DEPARTMENT.

Washington, D.C., January 17, 1962.

Hon. JAMES ROOSEVELT.

Chairman, House Special Subcommittee on Labor,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: The Industrial Union Department, AFL-CIO, extends its congratulations to you on your proposed Federal Equal Employment Opportunity Act. The industrial union department is generally in agreement with the provisions of the act. It is our view that a law prohibiting discriminatory employment practices, with teeth to assure compliance, is overdue in the United States. It is our view also that the bill now before your subcommittee, if enacted into law, will be the most important step forward in civil rights since the Emancipation Proclamation.

No civil right, as your investigations have shown, is more important than the right to hold a job without discrimination because of race, religion, color, national origin, age, ancestry, or sex. Without this right, all other civil rights tend to have a hollow ring. The right to a job is, after all, the right to live within the mainstream of economic society. It is the key to a decent home, to food, adequate clothing, and education for the children.

Discrimination in employment for reasons of race, creed, and color has been an unending story in America. Minority groups literally have been forced to fight their way up, and have done so in varying degree, depending upon the nature of the handicap they have been forced to hurdle.

The handicap of ancestry and religion still remains a potent factor in the job market. Jews, Catholics, and the foreign born still suffer from discriminatory policies imposed even by our great corporations. It is impossible to wipe out by law all vestiges of such discrimination, but legislation can do much to eliminate discrimination on the job because of such prejudice.

There is little need to recite the long and shameful list of discriminatory practices imposed upon the American Negro, who suffers so shamefully because of skin color.

Recent figures showed that the U.S. Negro today is in a worse relative position than a decade ago. Negro family income is now only 53 percent that of the white family. This is due chiefly to job discrimination. The Negro generally finds only the unskilled jobs available to him and the spectacle of Negro college graduates in menial jobs is not uncommon. The Negro is still last hired, first fired, and last promoted into a better job.

Over the past year, unemployment has been between 6 and 7 percent of the labor force. Negro unemployment has been double that of the white worker. This statistic is eloquent in its description of discriminatory job practices.

"In some cities," the President's Civil Rights Commission reported recently, "more than a third of the Negro work force was unemployed. The old adage that the Negroes are last hired and first fired was all too clearly demonstrated. One of the reasons for this is that, despite an increase in types of employment available to Negroes during the past 20 years, the mass of Negroes are still confined largely to the less skilled jobs. The concentration in the ranks of the unskilled, the areas affected not only by economic layoffs but by technological unemployment, means that Negroes will be in a poor position to fill the future needs of our constantly changing economy."

The costs of discrimination to the Nation are high enough in dollars. The costs in crime, broken homes, privation, and bitterness are more important. America cannot afford a submerged nation of the deprived within its boundaries. Its position of world leadership alone demands an end to discriminatory practices at home, especially in the area of economic opportunity.

The Industrial union department recognizes that labor is not without guilt in the maintenance of discriminatory practices. It notes with some pride that industrial unions received a measure of commendation from the Civil Rights Commission for their intraunion practices. But it also knows full well that pockets of discrimination exist even in our industrial unions, and that in some areas serious job discrimination continues to exist despite the union and at times with the tacit assent of local union officials.

The IUD is in full agreement with the approach of the Federal Equal Opportunity Act which would ban discrimination within unions as well as on the job. The IUD has expressed its concern with the problem in convention resolution. It noted at its last convention that labor must put its house in order in the area of civil rights. That convention called for fair employment practices legislation.

The AFL-CIO convention, held recently in Miami, renewed its support for legislation "to outlaw discrimination in all employment by employers engaged in an industry affecting commerce, including all employment and training of apprentices and learners, and including all unions which represent employees engaged in employment affecting commerce."

In our view, the objectives of the IUD and the AFL-CIO itself would be accomplished by enactment of the Federal Equal Employment Opportunity Act. The law would require all major employers in virtually all communities to cease discriminatory job practices. It would require an end to discrimination in training programs. It would require an end to discriminatory practices where they exist in labor unions. It is our firm belief that enactment of such a law would do more than any other single thing to break down other ugly patterns of discrimination in American life.

The measure now before your subcommittee would require all employers in interstate commerce having 25 or more employees to comply. It is our belief that the limitation is too great. We are of the view that while the law would largely accomplish its purpose, it should leave no such loopholes when it is fully effective.

The IUD fully endorses the excellent enforcement procedures in the law. We are of the view that this is a meaningful law because it provides for a permanent commission to carry out its intent, and because that commission would be armed with powers to investigate, issue complaints, issue subpoenas, seek injunctions, and to prosecute infringement in the Federal courts.

The need for such a law is obvious. While 22 States now have antidiscrimination laws, 28 have none. Further, the laws of many States are incomplete, and in some cases simply declarations of intent.

The right of the Congress to legislate in this area is incontestable, since employers are subject to the purview of civil rights legislation where commerce is affected. The law defines the right to employment without discrimination because of race, color, creed, age, and sex as a civil right. In our view, this is a civil right affecting all other civil rights and liberties.

Discrimination because of age is almost as heartless as that due to color or creed. Automation is taking an increasing toll of long-service workers who are not too old to work and who are far too young to be tossed upon the junk heap with other industrial debris. Hiring policies which refuse jobs to workers simply because they are past 35, or 40, or 45, or 50 are far too prevalent.

The experiences of New York State indicate that much can be done by law to minimize, if not eliminate, this kind of job discrimination. The law has ended help wanted ads specifying age. It has ended job orders to employment agencies which specify age. It has ended overt acts of age discrimination in general, although it obviously hasn't ended all such discrimination.

Employers have maintained that the hiring of older workers raises pension costs prohibitively. Jack Elkins, a leading pension consultant, has discussed this problem and found that it "is not a substantial barrier to employment."

Elkins has found that a number of factors combine to make pension costs for workers hired at age 45 or over not significantly greater than those for younger workers. Elkins has stated that "the differential in pension costs between the older and younger entrants into employment is often exaggerated and, indeed, may not exist at all." He has pointed out that:

(1) Plans seldom provide a flat amount at age 65 regardless of service, and that most plans stipulate the amount of pension per year plus a minimum service requirement.

(2) If retirement is postponed for older employees who need to meet service requirements, many will still be unable to reach the requirement while others will be of such advanced age that the lifetime pension cost will be less than retirement at age 65.

(3) Disability pensions at age 50 or 55 but with some service requirements are becoming more common. The cost of these pensions is attributable to younger employees who alone can meet the service requirement.

(4) The increase in the number of vested pension plans has greatly reduced the pension savings accumulated by the turnover of younger employees.

(5) Multiple employer pension plans are growing in number. In such plans, the cost of hiring middle-aged workers is borne by all participating employers.

(6) Future earning formulas in present plans permit a younger worker to increase future costs while the older worker is less likely to have nearly as wide a pay range.

(7) Future mortality improvement will give younger workers a longer life span, causing lengthier pension payments.

(8) Added pension costs that may be brought about by employing older workers are offset by reduced employer corporate or other income taxes.

The McNamara Subcommittee on the Problems of the Aged and Aging 3 years ago showed clearly the awesome human cost of discrimination against older workers. Older workers even now loom large in the makeup of our unemployment figures. Many of these have important skills, gradually being eroded.

Discrimination because of sex also is common in American industry. Promotions are far harder for women to come by than for men. The better and higher paying jobs are all too often denied women simply because of their sex, although they are fully capable of doing such jobs.

A third of the labor force is female, and without women workers our economy would break down. The women denied a job right because of sex are denied a key civil right. The facts of life of the U.S. economy deny that women's place is necessarily in the kitchen, although the housewife remains a central factor in the Nation's economy.

Most gainfully employed women work because they must. This has been proven time and again. The paid work of women has made possible the current high family income of some \$7,000 a year. In too many cases, the working woman is the mainstay of the family's income. Millions of women must work to support themselves. In many cases, children obtain higher education because the wife has gone to work.

Women have proven themselves fully capable of handling most jobs in the modern U.S. economy. True, this Nation does not want its women to perform hard physical labor as in the Soviet. True also, the needs of the race demand that women workers be the beneficiaries of special protective legislation. But where women workers are capable of competing freely in the job market, in the great majority of cases competition should and must be without the burden of discrimination because of sex.

The IUD has registered its opposition to the so-called equal rights amendment which would deny women workers the protection of law where such protection is required. The road to truly equal rights for women is the road of nondiscrimination on the job—a road that must be kept free of such extra hurdles as the so-called equal rights amendment.

The advances in job rights made by Executive order under the Kennedy administration proves what can be done. Gains achieved so far have caused the hopes of millions suffering job discrimination because of color, creed, age, national origin, ancestry, or sex to rise. These millions now know the promise inherent in a Federal Equal Employment Opportunity Act. They look to the Congress of the United States to enact such a law.

The Industrial Union Department, AFL-CIO, is not so naive that it does not recognize the obstacles to the enactment of such a law. It is, however, of the view that the time to take up the cudgels for the good fight is now. Only if the fight is pressed vigorously, unceasingly, and without compromise of principle will it finally be won. Until it is won, it cannot be said that all men (and women) within this land are truly free and equal before the bar of social justice.

Yours sincerely,

JAMES B. CAREY,
Secretary-Treasurer.

Mr. ROOSEVELT. The Chair would announce that the committee will meet in executive session on Monday and Tuesday, and reconvene in public session on Wednesday in the caucus room in the Old House Office Building, room 362, at which time the first witness will be Mr. George Meany, president of the AFL-CIO.

The committee will stand adjourned until 9:45 Monday morning.

(Whereupon, at 12:50 p.m., the subcommittee adjourned, to reconvene at 9:45 a.m., Monday, January 22, 1962, in executive session.)

EQUAL EMPLOYMENT OPPORTUNITY

WEDNESDAY, JANUARY 24, 1962

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to adjournment, in the caucus room, Old House Office Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Powell (chairman of the full committee), Roosevelt (chairman of the subcommittee), Dent, Pucinski, Ayres, Hiestand, Goodell, and Kearns.

Staff members present: Don Lowe, subcommittee director; Adrienne Fields, subcommittee clerk; Richard Burruss, minority clerk, Committee on Education and Labor; and Tamara Wall, assistant counsel, Committee on Education and Labor.

Mr. ROOSEVELT. The committee will come to order, please.

The Chair would first like to express to our distinguished visitors today the regrets of Chairman Powell, who had wanted to be present but unfortunately there is a conflict with the Rules Committee on a bill concerning higher education this morning and the chairman must be before the Rules Committee.

Our first witness is the very distinguished and long-time friend, George Meany, the president of the American Federation of Labor and Congress of Industrial Organizations.

Mr. Meany, we want to welcome you again before the committee and say to you that you have never failed to give us not only informative testimony but I think at the same time you have given us testimony which has been very helpful in shaping specific legislation, and we want to thank you for your time and effort in coming before us.

You may proceed.

STATEMENT OF GEORGE MEANY, PRESIDENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. MEANY. Thank you, Mr. Chairman and members of the committee. I appreciate the opportunity to appear before you today on behalf of the AFL-CIO to register our support for the enactment of a Federal law to establish fair employment practices.

For one reason or another, the effort to enact fair employment practices legislation has been shunted aside in recent years. I don't say

this in criticism of the Congress; I take it for granted that other matters seemed to be more pressing. But in any case, I am glad we can now discuss the question. To us in the labor movement, it is an issue of tremendous importance, not only to the victims of discrimination, but to the well-being of the United States.

Let me first enter into the record the resolution adopted by the AFI-CIO convention unanimously last month. This resolution says in part, and I quote:

We renew our call for the enactment of an enforceable Federal Fair Employment Practices Act to outlaw discrimination in all employment by employers engaged in an industry affecting commerce, including all employment and training of apprentices and learners, and including all unions which represent employees engaged in employment affecting commerce.

The fair employment practices law we seek should include the kind of conciliation and enforcement powers that have been tested and proved effective in the 20 States that have already enacted such laws.

That's where we stand. It is against that background, and fully conscious of the fact that we in the AFI-CIO are basically involved in all aspects of employment, that I would like to testify.

Discrimination is a deplorable fact of life in America today. We have made progress in America, but not enough. Discrimination is exercised in housing, in the schools, in places of public accommodation—but nowhere more painfully than in employment opportunities.

Discrimination is practiced against Jews, Catholics, and the foreign-born—but most of all against Negroes in particular, and nonwhites in general.

So our worst problem in the field of discrimination involves employment opportunities for Negroes. I don't think this conclusion is open to serious question. Therefore, without minimizing other aspects of discrimination, I'll devote most of my attention to that one.

I assume that no sensible citizen, and certainly no member of this well-informed committee, doubts that discrimination is widely applied against Negro job applicants in all parts of the country.

I further assume that Americans as a whole, including the members of this committee, know that in some parts of the United States, certain occupations—including almost all the attractive ones—are automatically closed to Negroes.

To cite only one example, a law still stands on the books in South Carolina that forbids the employment of an integrated production work force in any textile mill within the borders of that State. You and I may consider such a law to be un-American. Yet we also know it is in full keeping with the employment practices in that area, law or no law.

The greater difficulty transcends old and foolish laws; it rather involves old and foolish prejudices.

Thanks to the diligence of the Department of Justice, we now know about the communities in Louisiana that place absurd obstacles in the path of Negroes who want to vote.

We have no comparable measure of the obstacles placed in the path of Negroes who want to work—not just in Louisiana or Georgia or Mississippi, but in Illinois or Oregon or New York. And I have deliberately chosen, in the latter group, places where fair employment practices laws have been locally enacted.

I am not minimizing in any way the importance or effectiveness of these State FEPC laws. I am proud that my home State of New York was the first to enact such a law, and in that respect paved the way for some 20 other States. I have here a tabulation of the various State statutes and their provisions, which I ask, Mr. Chairman, to be added as an appendix to my testimony.

Mr. ROOSEVELT. Without objection, that will be so ordered.

(The tabulation referred to follows:)

APPENDIX I.—*State fair employment practice laws*

[Key (kind of discrimination outlawed): RA—race. RE—religious creed. CO—color. AN—ancestry. NO—national origin]

State	Statute	Kind of discrimination outlawed	Coverage	Exclusion from coverage	Enforcement	Agency
Alaska.....	Alaska Comp. Laws Ann., sec. 43-5-1 (Supp. 1958).	RA, RE, CO, AN, NO.	Employers of 1 or more; labor organizations; employment agencies.	Nonprofit enterprises; domestic servants.	Cease and desist orders enforceable by courts.	Commissioner of labor.
California.....	Cal. Lab. Code, sec. 1412.	RA, RE, CO, AN, NO.	Employers of 5 or more; labor organizations; employment agencies; the State and its political subdivisions.	Nonprofit, social, fraternal, charitable, educational, or religious associations or corporations; persons employed by family; domestic servants; agricultural workers residing on farms where employed.	By the courts.....	Division of fair employment practices.
Colorado.....	Colo. Rev. Stat. Ann., sec. 80-24-1 (1953).	RA, RE, CO, AN, NO.	Employers of 6 or more; labor organizations; employment agencies; the State and its political subdivisions.	Persons employed by family; domestic servants; educational institutions and school districts.	Cease and desist orders enforceable by the courts.	Colorado Anti-Discrimination Commission.
Connecticut.....	Conn. Gen. Stat. Rev., sec. 31-122 (1958).	RA, RE, CO, AN, NO, age.	All enterprises, including charitable and nonprofit, employing 5 or more; labor organizations; employment agencies; the State and its political subdivisions.	None.....	Cease and desist orders enforceable by the courts.	Commission on civil rights.
Delaware.....	Laws of Del. ch. 337, vol. 52, 1960.	RA, RE, CO, NO, age.	All employers; employment agencies; labor organizations.	(By commission ruling) religions, fraternal, sectarian, or charitable association, corporation, or society, in re occupational qualifications as to race and creed.	By courts: Fine and imprisonment.	Division Against Discrimination, labor commission.
District of Columbia.	Commissioners' policy orders: Nov. 25, 1953, Apr. 9, 1958, amended, May 9, 1961.	RA, RE, CO, NO....	District of Columbia government employment; employers holding District of Columbia contracts; on complaint, may investigate discrimination by private employers.		Contract cancellation in case of contractors.	District of Columbia Commissioners' Council on Human Relations.
Idaho.....	Idaho Sess. Laws (1961) ch. 309.	RA, RE, CO, NO (including AN).	"Every person".....	Not specified.....	Misdemeanor; no enforcement machinery.	No agency.

Illinois.....	S.B. 609 (1961).....	RA, RE, CO, AN, NO.	1961-64, employers of 100 or more; 1965 on, employers of 50 or more; labor organizations; employment agencies.	Not specified.....	Cease and desist orders enforceable by the courts.	Fair employment practices commission.
Indiana.....	Indiana Ann. Stat., sec. 40-2307 (1956).	RA, RE, CO.....	All enterprises conducted for profit, employing 6 or more; labor organizations; employment agencies.	Nonprofit enterprises; persons employed by family; domestic servants; employers of less than 6.	Agency has subpoena power but no other enforcement power.	Division of labor.
Kansas.....	Kan. Gen. Stat. Ann., sec. 44-1001 (supp. 1959); amended, Apr. 14, 1961; effective July 1, 1961.	RA, RE, CO, AN, NO.	Employers of 8 or more; all departments of state, county, and municipal governments; persons acting as employers; employment agencies; labor organizations.	Nonprofit, religious, charitable, fraternal, social, educational, sectarian associations or corporations.	Cease and desist orders enforceable by courts.	Antidiscrimination commission.
Kentucky.....	Laws of 1960, ch. 76 (also, July 1961)	RA, ethnic group or members	"Any discrimination"; State employment.		None.....	Commission on human rights.
Massachusetts..	Mass. Ann. Laws ch. 151B, sec. 1-10 (1957)	RA, RE, CO, AN, NO, ago	Employers of 6 or more in all enterprises conducted for profit; employment agencies; labor organizations; the State and its political subdivisions.	Nonprofit enterprises; persons employed by family; domestic servants.	By the courts.....	Massachusetts Commission Against Discrimination.
Michigan.....	Mich. Stat. Ann., sec. 17.458 (1) 1960	RA, RE, CO, AN, NO.	Employers of 8 or more; employment agencies; labor organizations; the State and its political subdivisions; contractors and subcontractors with the State or its political subdivisions.	Domestic servants.....	Cease and desist orders enforceable by the courts.	Michigan Fair Employment Practices Commission.
Minnesota.....	Minn. Laws 1961, ch. 428	RA, RE, CO, NO....	Employers of 8 or more; employment agencies; labor organizations; the State and its political subdivisions.	Persons employed by family; domestic servants.	Cease and desist orders enforceable by the courts.	Minnesota Fair Employment Practices Commission.
Missouri.....	S.B. 257 (1961).....	RA, RE, CO, NO....	Employers of 50 or more; employers holding State contracts; State agencies; labor unions; employment agencies.	Corporations and associations owned and operated by religious or sectarian groups.	Commission orders, enforceable in the courts.	Commission on human rights.
New Jersey.....	N.J. Stat. Ann., sec. 18:25-1 (supp. 1960).	RA, RE, CO, NA, liability for military service.	Employers in all enterprises employing 6 or more; the State and its political subdivisions; labor organizations; employment agencies.	Nonprofit enterprises; persons employed by family; domestic servants.	Cease and desist orders enforceable by the courts.	Division Against Discrimination, New Jersey Department of Education.

APPENDIX I.—*State fair employment practice laws*—Continued

[Key (kind of discrimination outlawed): RA—race. RE—religious creed. CO—color. AN—ancestry. NO—national origin]

State	Statute	Kind of discrimination outlawed	Coverage	Exclusion from coverage	Enforcement	Agency
New Mexico....	N.M. Stat. Ann., sec. 59-4-1 (supp. 1961).	RA, RE, CO, AN, NO.	Employers of 4 or more; the State and its political subdivisions; labor organizations; employment agencies.	Religious corporations or associations; nonprofit social or fraternal clubs; persons employed by family; domestic servants.	None.....	Fair employment practice commission.
New York.....	N.Y. Executive Law, sec. 290.	RA, RE, CO, NO, age.	Employers in all enterprises conducted for profit and employing 6 or more; the State and its political subdivisions; labor organizations; employment agencies; licensing agencies with respect to age qualifications.	Nonprofit enterprises; persons employed by family; domestic servants.	Cease and desist orders enforceable by the courts.	New York State Commission Against Discrimination.
Ohio.....	Ohio Rev. Code Ann., sec. 4112.01 (page supp. 1959).	RA, RE, CO, AN, NO.	Employers of 4 or more; the State and its political subdivisions; labor organizations; employment agencies.	Religious, educational, and charitable organizations; domestic servants.	Cease and desist orders enforceable by the courts.	Ohio Civil Rights Commission.
Oregon.....	Ore. Rev. Stat., sec. 659.010 (1959).	RA, RE, CO, NO, age.	Employers of 6 or more; labor organizations; employment agencies.	Nonprofit social, fraternal, charitable, educational, or religious associations or corporations; persons employed by family; domestic servants.	Cease and desist orders enforceable by the courts.	Civil Rights Division, Oregon Bureau of Labor.
Pennsylvania...	Penna. Human Relations Act, Pa. Laws.	RA, RE, CO, AN, NO, age.	Employers of 12 or more; the State and its political subdivisions; labor organizations; employment agencies.	Religious, fraternal, charitable, or sectarian corporations or associations unless supported in whole or in part by public appropriations.	Cease and desist orders enforceable by the courts.	Pennsylvania Fair Employment Practice Commission.
Rhode Island...	R.I. Gen. Laws Ann., sec. 28-5-1 (1956).	RA, RE, CO, NO....	Employers of 4 or more; labor organizations; employment agencies.	Nonprofit, religious, charitable, fraternal, social, educational, sectarian.	Cease and desist orders enforceable by the courts.	Rhode Island Commission Against Discrimination.

Washington.	Wash. Rev. Code, sec. 49.60.030 (1959).	RA, RE, CO, AN. NO.	Employers of 8 or more; the State and its political sub- divisions; labor organiza- tions; employment agencies.	Nonprofit religious or sec- tarian organizations; persons employed by family; do- mestic servants.	Cease and desist orders enforceable by the courts.	Washington State Board Against Discrimination.
Wisconsin.....	Wis. Stat. Ann., sec. 111.31 (1957).	RA, RE, CO, AN. NO, age.	All employers; labor organ- izations; employment agen- cies.	Nonprofit social clubs; frat- ernal or religious associations; persons employed by family.	Cease and desist order enforceable by the courts.	Wisconsin Fair Em- ployment Practices Division, Industrial Commission.

Mr. MEANY. Let us not suppose, however, that these State actions indicate that a Federal law is unnecessary. To be completely frank about it, the best State laws apply where they are least needed. To some degree, of course, discrimination in employment exists everywhere; but those States that have legislated against it are the States where bigotry was waning even before the law was passed.

Moreover, many of the State laws are more impressive in wording than in results. Few of the enforcement agencies have adequate staffs; State legislatures are quicker to enunciate lofty purposes than to appropriate the funds for giving them reality, especially against the quiet pressure of employer lobbyists. And with one exception the ultimate penalty under the State laws is a cease and desist order; in essence, a directive to "go and sin no more." This may be effective when a sinner is truly repentant, but it's hardly a terrifying threat to the defiant.

In our view, Mr. Chairman, the time is overdue to establish a policy, by the enactment of an enforceable statute, dealing with discrimination in employment for the United States as a whole. Until now, the initiative, and indeed the effective action in this area, has been taken entirely by the executive department. President Roosevelt, President Truman, President Eisenhower, and President Kennedy, in their various ways and under various circumstances, all sought to attack this evil through the powers of their office.

We respect their intentions and we applaud their efforts. Certainly President Kennedy's Executive order is broad and sensible and, to date, has been effectively enforced.

Yet as you know, Mr. Chairman, the Congress, and most especially the House of Representatives, is considered closest to the public pulse; and thus an action by Congress would be of more weight, at home and abroad, than the worthiest Executive order. And it would have far broader application.

What kind of law is required? The various State laws, which are themselves quite similar, suggest the general pattern.

It should be unlawful for any employer to discriminate against a job applicant on the grounds of race, creed, color, national origin, or age in employment affecting commerce. You may be surprised that I have included age in this group, since it's a different sort of prejudice, based on false economics instead of misguided emotions. It's discrimination just the same, and its effects as far as an individual is concerned are just as damaging as any other kind.

The law should go beyond the original hiring process. An employer might be able to show that 10 percent or more of his new employees over a year's span were Negroes. But if all the Negroes were hired for menial jobs, with no prospects for advancement, this employer should be as guilty as though he hadn't hired any Negroes at all.

In other words, we have to judge each employer on his total record; on the distribution of minority groups throughout his work force, not just a statistical accounting of hiring practices.

The law should also include meaningful penalties for willful violators—a basic shortcoming of most State laws, as I noted earlier. A cease and desist order is all very well as an intermediate step. There must lie behind it the possibility of genuine punishment for

those who willfully violate such an order. National Labor Relations Board cases over the last 25 years provide abundant experience and we think exactly the same kind of procedure would work in this field as well.

Now I acknowledge that punishment as such is no cure for the prejudices that lead to discrimination. When it becomes necessary to bring an offender into court for violating an order, that very act is a confession of failure, a confession that reason has not been persuasive, that the defendant's blind bigotry has resisted all appeals to humanity, justice and commonsense. A successful fair employment practices program would have no court cases at all.

Yet experience indicates that the power to prosecute is essential to the process of peaceful persuasion in this field.

I have spoken entirely of employers until now, and I think that's proper. The employers do the hiring, they choose the work force. The employers make the decisions on work assignments, promotions and the like, subject only to protest or challenge by the union where a union exists. Therefore, I do not hesitate to say that overwhelming instances of employment discrimination in this country are caused by the hiring and other personnel policies of employers.

Having said that, let me also say again, as I have said in many other places, that discrimination does exist in the trade union movement. Our unions are made up of American citizens who generally reflect the attitudes that prevail in their own communities. They don't undergo any magical change when they sign a union card. So it would be strange indeed if we didn't have some local unions in which a majority of the members still cling to the prejudices of the communities in which they live, of their parents, their neighbors, their political leaders and the newspapers they read.

The leadership of the AFL-CIO, and of the separate federations before merger, has been working ceaselessly to eliminate those prejudices. The leaders of every affiliated national and international union are enlisted in the same effort. We have come a long way in the last 20 years. A long way farther, I might say, than any comparable organization, including the religious organizations as a whole, and certainly we are a generation or more ahead of the employers as a whole.

But we have said repeatedly that to finish the job we need the help of the U.S. Government. Neither the AFL-CIO as a federation, or any of its affiliated unions, is a monolithic organization, with absolute power concentrated at the top. We take pride in that fact which is an essential ingredient of a democratic organization. When the rank and file membership of a local union obstinately exercises its right to be wrong, there is very little we in the leadership can do about it, unaided.

The AFL-CIO itself has only one ultimate weapon—expulsion of a national or international union. That's all we can do.

We have been criticized in some quarters for not taking this step. The parallel that is cited is our expulsion in 1957 of several unions found to be dominated and substantially controlled by corrupt influences. If we resorted to expulsion then, these critics ask, why not now?

To me, and to an overwhelming majority in the AFL-CIO, the issues are quite different. Corruption, like communism, seizes the leadership of a union and works down to lower levels by perverting the union's democratic procedures. The rank and file members are not consciously affected in their daily lives. They don't know what's going on, and they tend to dismiss published charges against the leadership as just another attack by a normally hostile press. Expulsion was the only way to convince the membership of this domination by corrupt elements. In most cases the members then rallied to new, clean unions or have overthrown the old leadership.

But there is a big difference between corruption and discrimination. Discrimination is resisted at the top but perpetrated below. Discrimination represents in many cases the wrong-headedness of rank and file members; it is often maintained by unimpeachably democratic processes.

Would we be better off to cast out these misguided members and remove them from the influence of the mainstream of the labor movement; meanwhile expelling in the same action the national leaders who deplore and fight discrimination? I think not. I think we can do more toward educating them if they're in the federation, with their own leaders getting broad AFL-CIO support toward the same end.

So equal opportunity as a matter of Federal law will help us.

In addition, there are a few places, in a few trades or occupations, where the union itself exercises a major voice in employment. A relatively few of these local unions, in turn, follow a pattern of discrimination.

It's our hope that the law you draft will apply to this problem as well. A union that discriminates against workers on grounds of race, color, or creed is not only violating the constitution of the AFL-CIO, it is committing an offense against the principles of the labor movement, among which the brotherhood of man is at the very top.

In short, I am not here to ask for special exemptions for unions; quite the contrary. I hope the law you draft will cover the whole range we ourselves have written into our constitution and we hope you will make sure the law will also apply to apprenticeship programs of every kind as I urged in my appearance before this very committee last August.

We feel strongly on this issue. We feel strongly, first, on grounds of our own principles; while we are by no means ashamed of our record, we want to eliminate even those instances of discriminatory practices that still remain.

Second, we feel strongly because discrimination is not only a symptom of ignorance, it perpetuates ignorance by limiting opportunity; and this, in turn, dilutes the level of skill among American workers at a time when skill is needed as never before.

I am sure other witnesses have noted the higher unemployment rates of nonwhites, their lower earning levels, their general concentration in the unskilled occupations. The primary barrier that has created this result is lack of opportunity—at a time when the only employment demand that exceeds the supply is for craftsmen, graduate apprentices in the skilled trades.

I testified at great length on this matter before this committee last August and there is no necessity of burdening the committee or the record with a repetition of that testimony. But I do have here, Mr. Chairman, a chart which I think adequately pictures this point and I would appreciate having it included in the record as an appendix to my testimony.

Mr. ROOSEVELT. Without objection, it is so ordered.
(The chart referred to follows:)

APPENDIX II.—*Unemployment by color and sex, in civilian population age 14 and over, and percentage of civilian labor force, annual averages 1957-61*

	1957		1958		1959		1960		1961	
	White	Non-white	White	Non-white	White	Non-white	White	Non-white	White	Non-white
Men:										
Number unemployed (in thousands)	1,519	374	2,536	619	1,945	529	2,032	508	2,450	610
Percent of labor force	3.7	8.4	6.1	13.7	4.6	11.5	4.8	10.7	5.7	12.9
Women:										
Number unemployed (in thousands)	832	211	1,208	318	1,059	281	1,095	295	1,369	377
Percent of labor force	4.3	7.4	6.2	10.8	5.3	9.5	5.3	9.5	6.5	11.9

Source: U.S. Department of Commerce, Bureau of the Census and U.S. Department of Labor, Bureau of Labor Statistics.

Mr. MEANY. Third, we feel strongly because we have been bitterly attacked for failure to achieve what is beyond our power—equality of opportunity in employment. The Congress alone can do this job and we think it should.

Finally, we feel strongly because of our dedication to our country. I could speak at length about the physical loss of good brains and strong bodies we suffer because of those who judge a man by other standards than his abilities. That would be tragic enough in an era when we need every ounce of our strength, and the fullest development of our resources, to secure our Nation against attack.

But the greatest loss to America is moral and spiritual. If a citizen of this country finds his way blocked, if he cannot achieve his highest degree of usefulness, only because he is a Negro or a Jew, a Catholic or an Asiatic; because he is an Italian or a Pole; because he is 35 or 40 or 45, those who are responsible for blocking him are betraying the American ideal in the eyes of the world.

On that basis alone, we in the AFL-CIO would ask the Congress to formulate and expedite legislation along the lines we have indicated. You have our support and our enthusiastic collaboration. The Congress can maintain and restore the image of America that is in the hearts of us all.

Thank you very much.

Mr. ROOSEVELT. Thank you, Mr. Meany. I think you have, as always, expressed the problem with clarity as well as with eloquence.

I would just like to comment, sir, about the first part of your testimony which was, as you said, largely pointed at management. This committee has diligently made very effort to get management to come before the committee and express its views on this legislation.

We had one or possibly two such representatives during our hearings in Chicago, Ill., and they opposed it on the general broad principle of noninterference with the rights of management at any level and that is the historic old position which I though had been rather worn out but we heard it again.

I would like to say also that we have asked the national association representing management to come before the committee and they have found a variety of reasons and excuses not to be present and we have no testimony from them either for or against the legislation.

This would seem to me to be an evasion of their civic responsibility, if nothing else.

I, therefore, want to compliment you as a leader of organized labor because I feel that the American people should know that you have had the courage to admit that there are problems in areas within your own movement which you recognize need attention and which you very frankly come before this committee and say that you welcome and need the help of the Federal Government in finally accomplishing your ultimate purpose, so well expressed by the vast majority, overwhelming majority, in the resolutions of your organization.

If I remember correctly, back in August, Mr. Meany, you pointed out that at least there is a parallel for this course in the form of the Wagner Act in the early days of the efforts of labor to get proper recognition for the workers of this country and I think it would be fair to say, would it not, that whereas the Wagner Act was necessary to accomplish that basic purpose, so today the enactment of this legislation is necessary in order to achieve the goal of eliminating discrimination in the United States.

Mr. MEANY. I think so.

Mr. ROOSEVELT. Thank you, sir.

Mr. DENT?

Mr. DENT. I wanted to note, first of all, that I join the chairman in welcoming Mr. Meany and also to express my appreciation for his many appearances before the committee, on which I had the privilege to serve on for years, because his testimony is usually to the point and helpful to us in our deliberations.

He speaks with the voice of experience as well as authority, which is very helpful to us.

We both are disturbed because, although we know that in a great many of the areas of management they oppose this legislation, we feel rather disappointed that they will not publicly come before our committee and express the opposition in order that we may know the color of the testimony that we would have to combat when it hits the floor.

Mr. Meany, I note that in your testimony you cover the discriminations of race, color, religion, and age.

The bill which we propose to present to the full committee tomorrow for consideration goes one step further and includes the discrimination on sex.

I do not know whether you have had a chance to look at that or not.

Mr. MEANY. Yes; I know that. While I have talked about discrim-

ination because of age, actually I have confined myself to the so-called race and color discrimination. I felt this is the most important area and I did not want to get my testimony mixed up with the question of discrimination in regard to sex.

If you want it, we can submit a memorandum on our position on that.

I do not like to get in trouble with the women.

Mr. DENT. I know. We do not want to give any opposition a platform on which to base opposition to that particular phase of the legislation by saying that "the great labor movement came before your committee but it took no interest in this," and then by implication extending that to mean that you are opposed to this committee trying to carry it into the bill.

Mr. MEANY. Certainly, it is not so that we are not interested in the question. We do have doubts whether it should be dealt with in this legislation, but we will send you a memorandum on this.

Mr. DENT. We knew it was not but we wanted it on the record.

Mr. MEANY. Yes.

Mr. DENT. Now, on another important issue, and I think this is very important, along with, of course, the employers being the main base for discrimination insofar as the areas we know about from State law on race, color, religion, we also know that a great deal of discrimination starts from the employment agency. Up until this point, we had emphasized covering the private employment agencies but Mr. Roosevelt's investigators in the field have come home with enough evidence to convince us as a subcommittee that maybe a great deal more discrimination emanates from the public employment agencies in certain areas. Therefore, we have included in this particular draft, which I know you have not seen, public agencies.

Do you think that is a good or bad move on our part?

Mr. MEANY. I think that is all right.

Mr. DENT. I think that is very good because we will have an awful fight with that one.

Mr. MEANY. I do not see why the public employment agencies should not be covered.

Mr. DENT. I thought that you would have that opinion of it because we see pretty much eye to eye in these matters where people have an opportunity to go to work.

I have nothing else except to repeat that we are happy to have you with us.

Mr. ROOSEVELT. Thank you, Mr. Dent.

Mr. Ayres?

Mr. AYRES. Mr. Meany, it is always a pleasure to have you before the committee. I have several questions.

On page 6 of your testimony, you make the statement:

We have been criticized in some quarters for not taking this step. The parallel that is cited is our expulsion in 1937 of several unions found to be dominated and substantially controlled by corrupt influences.

Was that the year the Brotherhood of Teamsters was expelled?

Mr. MEANY. Yes.

Mr. AYRES. Did that, President Meany, not cut down the percentage of Negroes that belonged to the AFI-CIO?

Mr. MEANY. I have no way of telling because we do not keep any records on the basis of the color, religion, or politics of our members.

If I were to guess, I would say that the answer is "No." I would not say the percentage in that union was any higher than in a good many of our other unions.

Mr. AYRES. Is it not a fact that the leadership of the Teamsters was more active in attempting to eliminate discrimination than the AFL-CIO?

Mr. MEANY. Absolutely not, absolutely not. The leadership of the Teamsters had other interests.

Mr. AYRES. Well, they have written members of the committee—

Mr. MEANY. I don't doubt that. They do a lot of writing.

Mr. AYRES. (continuing) And have asked members of the committee to incorporate several things which I will do at the end of your testimony or ask permission to.

Now, on page 1, you enter into the record the resolution that was unanimously adopted at your convention last month and that is already in the record, but you say:

The fair employment practices law we seek should include the kind of conciliation and enforcement powers that have been tested and proved effective in the 20 States that have already enacted such laws.

Mr. MEANY. Yes.

Mr. AYRES. Now, when Mr. A. Philip Randolph appeared before the committee, the gentleman that was at the previous meeting, you censured him?

Mr. MEANY. No; the convention did not censure him. The executive council censured him.

Mr. AYRES. Well, he was censured by your executive council?

Mr. MEANY. He was very definitely censured.

Mr. AYRES. Now, according to his testimony, it probably will be rather difficult to get the choice jobs that you refer to unless we start eliminating discrimination at the apprentice level. Do you agree with that?

Mr. MEANY. Yes; I agree with that. I agree that while we have a number of industries that employ Negroes, somehow or other Negroes do not get into the skilled jobs.

If we are going to get them a decent opportunity to get skilled jobs, the first thing we have to do is to get them in as apprentices.

Mr. ROOSEVELT. If the gentleman will yield, I think it is true, Mr. Meany, and you came before the committee last August and made that statement, and you made it here today on page 7 of your testimony.

Mr. MEANY. Yes.

Mr. AYRES. Has there been any increase in the number of Negroes which have become apprentices since last August?

Mr. MEANY. I do not know. You see, we do not control that. The employer has almost absolute control even where an apprenticeship system is jointly administered, and it is administered to see to it that the apprentice gets the proper training, that he gets the proper experience.

The expense of the apprentice in a good many cases is paid for jointly by the union and employer. In other words, the apprentice will work a certain number of days in the week or certain number of hours a day on the job and then go to school. It varies according to the trade.

But in practically every instance the fellow who makes the choice as to who becomes the apprentice is the fellow who pays him his wages. That is the employer.

Mr. AYRES. We are told by the people in the urban league locally, President Meany, that there are qualified Negroes that could be working over here on the New House Office Building but because they have not been permitted to come up through the apprenticeship program they cannot be employed over there.

We were also advised——

Mr. MEANY. I happen to know a little something about this situation here. There is no question that there is quite a residue of discrimination in the city of Washington. It is still here despite the fact that there have been a great many outward changes.

I came here 22 years ago. This was just as southern a city in that respect as there was in the United States. None of the downtown theaters admitted Negroes.

None of the downtown hotels admitted Negroes.

Now we have quite a change in that. The downtown hotels now admit Negroes. There is no problem. There wasn't any problem once the first Negro went through the doors. That is also true of the theaters.

But we still find prejudice in a good many of the businesses around town.

I happen, as a member of the President's committee, to have gone through quite a tussle over this question on one of the housing projects here in the electrical field. The employer, who signed a contract with the U.S. Government in which he said he would not discriminate in his employment, for 2 years kept pointing to the union and we kept saying to him, "Live up to your contract; you go and hire Negroes and if you have a problem with the union, then we will deal with the union." But, no, he did not do that, and no Government agency for at least 2 years exerted any pressure upon him, although it was he who had signed the contract, to live up to it. He kept continually throwing the blame on the union.

When, after 2 years, he finally did hire one or two Negroes, the union took the people in.

But we must admit that this prejudice is still in existence here, and it is present in some of our unions. Not all of them have it; we have unions here with a good many Negroes, and we have made progress here, as we have made in a great many other places, but the prejudice is pretty deep rooted in the minds of a good many people around Washington, and this includes the employers.

Remember this, under the apprenticeship system the employer makes a definite contribution to it. In other words, he has to pay the apprentice not only for time worked, but he has to pay the apprentice in a good many cases for 2, 3, or 4 hours a week when he goes to school. All of this is done by agreement with the unions.

In a good many cases, they have national apprenticeship agreements. But when it comes time for that employer to put on an apprentice, whether it is his duty under the agreement or he has the privilege does not make any difference, he is the one that chooses the apprentice.

If he happens to have a business where he has not hired Negroes,

the chances are that he will not under any circumstances choose a Negro apprentice.

This is the problem that we are trying to attack.

This is the problem, of course, to which I testified last August before this committee.

Mr. AYRES. Does this apply to your former profession in the plumbing field?

Mr. MEANY. Well, in my own union there are Negroes. We have Negroes all over the country. Whether there are Negroes in the Washington local, I haven't the slightest idea.

I know nothing about this Washington local. I do not know too much about the internationals and we have 130 internationals. When it comes to our 60,000 locals, I can't comment on what is happening in each and every one of those locals. I do not know.

But as far as the national union is concerned, its attitude, its policy on this question is consistent with the AFL-CIO.

In a good many of the larger cities now we have considerable Negro membership where 20 years ago we didn't have any. So there is considerable improvement in that situation.

Mr. AYRES. I have just one more question.

You feel that the passage of this legislation and the enactment of it into law would assist the AFL-CIO when it came to negotiating contracts even in areas where discrimination is more or less accepted?

Mr. MEANY. Yes; it would be very helpful.

Mr. AYRES. Will that be an equal responsibility between organized labor and the employer?

Mr. MEANY. Yes, sir.

Mr. AYRES. Are there now existing contracts where discrimination is implied?

Mr. MEANY. You mean where discrimination is implied in the contract?

Mr. AYRES. Yes.

Mr. MEANY. I would say no. There are thousands of contracts where discrimination is definitely barred by the contract. There are, undoubtedly, contracts where discrimination is not mentioned but the contract encourages discrimination. I do not know, however, of any of them.

Mr. AYRES. Even in those Southern States where discrimination is practiced, the contract has nothing in it either way but discrimination continues.

Mr. MEANY. In a good many cases; yes.

Mr. AYRES. But it is both the fault of the employer and the union.

Mr. MEANY. It is a way of life in some of those communities and it is going to take considerable time to eliminate it. I think a Federal FEPC law will help.

Mr. AYRES. I ask unanimous consent, Mr. Chairman, to incorporate a resolution on the Randolph censure where the International Brotherhood of Teamsters is censuring the Executive Board of the AFL-CIO.

Mr. ROOSEVELT. The gentleman from Pennsylvania would like to have a look at it.

Mr. AYRES. We cannot have any discrimination on this issue.

Mr. MEANY. Oh, no. After all, I think they should be given an opportunity to censure somebody once in a while.

Mr. ROOSEVELT. The gentleman from Ohio requests that it be made a part of the record following the testimony of Mr. Meany?

Mr. AYRES. That is correct, Mr. Chairman.

Mr. DENT. I just want to say, I do not mind the record getting the concensus contained in the resolution. When you go into these matters here about bugged rooms and things, I think it is a little out of order.

Mr. AYRES. If the gentleman had listened, he would have heard my request was for the resolution and not the extraneous material he took from it.

Mr. DENT. It was all bound together.

Mr. ROOSEVELT. Without objection, the request of the gentleman from Ohio is acceded to and the resolution will be placed in the record following the testimony of Mr. Meany.

(The resolution referred to follows:)

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

GENERAL EXECUTIVE BOARD

RESOLUTION ON RANDOLPH CENSURE

The general executive board of the International Brotherhood of Teamsters deplores the resolution adopted by the recent meeting of the Executive Council of the AFL-CIO which censured A. Philip Randolph and charged him with bearing the "major" responsibility for the "gap that has developed between organized labor and the Negro community."

This motion of censure is a gross injustice to a labor leader who has done more than anyone else in the labor movement to maintain its integrity and unity in the fight for the complete integration of Negro and white workers in the house of labor, who has struggled tirelessly, courageously, and consistently for this goal.

This injustice is particularly shocking in view of the fact that no measure of equal force has ever been adopted by the AFL-CIO Executive Council against any leaders of AFL-CIO affiliates which continue to maintain Jim Crowism in their organizations.

The International Brotherhood of Teamsters recognizes that the American labor movement has made greater advances in organizing and in improving the living standards of Negroes than any other voluntary, public organization or institution in this country.

The International Brotherhood of Teamsters together with many others who also champion both the labor movement and civil rights, categorically rejects the charges leveled against that distinguished advocate of trade unionism and human brotherhood, A. Philip Randolph.

JAMES R. HOFFA.
JOHN F. ENGLISH.

Mr. ROOSEVELT. The Chair wants to express its appreciation and pleasure in having present with us the ranking minority member of the full committee, Mr. Kearns.

Mr. Kearns, do you have any questions at this time?

Mr. KEARNS. Thank you, Mr. Chairman. I always enjoy listening to Mr. Meany because I feel he is making a great effort for the labor movement. He is fair and expresses what we feel throughout the United States is good for the labor movement.

I am very happy to report on this discrimination phase. In my congressional district I have no complaints. We are doing very well. Men qualified regardless of race, color, or creed are given jobs in the building trades.

We have a very fine boy up there in Mercer County, Validay, who is doing a terrific job to erase many of the errors that existed heretofore.

Then, too, I want to say while you are here, Mr. Meany, that I watched your television program and it was very heartening for me to hear you say on TV that even the new administration could not eliminate all the evils of unemployment.

Mr. MEANY. Right.

Mr. KEARNS. We were criticized so in the Eisenhower administration.

Mr. MEANY. That encouraged you as a musician.

Mr. KEARNS. It was an embellishment anyway.

Thank you.

Mr. ROOSEVELT. Mr. Heistand?

Mr. HIESTAND. Mr. Meany, with a number of your previous statements, some of us might have taken issue but I cannot see anything in this statement with which we could take issue. I think it is a masterly statement. I am very happy to join with you in its general sentiments. It is particularly to be commended for its frankness because the hard fact of the matter is that there has been and is continuing discrimination in the ranks of the local unions and it is a very difficult thing with which to combat, especially from the top echelons where you do not actually have the power to dictate to the local union.

The reason I mention all that is that the evidence before our committee has shown that there probably has been more, or at least a large part of the discrimination that has been shown has been within local unions where they have just closed them up at times and it is very difficult to force it.

My question is, do you believe that legislation of this type could have enough teeth to force a breaking of discrimination in the local unions?

Mr. MEANY. Yes. I think that legislation that has enough teeth in it can be quite helpful although experience indicates that you do not have to use the teeth, as we call them, in the legislation. That is our experience in the State of New York where I happen to know a little bit about that law. When it passed, the Governor of the State of New York at that time paid me the compliment of calling me in to consult with him after the bill passed as to how it would be administered, personnel, and different things.

So I happen to know something about it.

I have seen its effect in my home city. I heard people around the city of New York say that the big department stores would have to close. It was the opinion of the people who run these stores that the stores would have to close if they put Negro help, Negro girls, behind the counters.

Now, if there were no teeth in the law, these department stores would not have obeyed the law, in my opinion, because a good many were convinced that this was their ruin and that they were through. Because there were teeth in the law, they had to employ Negro help, Negro girls. They employed them right after the law was passed, within a year or so, and New York City took that in its stride. There wasn't even a ripple. Nobody paid any attention to it. There is not a department store in the city of New York that does not have considerable Negro help. The stores went right on operating just as if it had never happened.

So the point I am making is that if you put teeth in the law, it is something like our problem with Moscow. I am one who is convinced that we will never have to fight the Russians provided we are ready to fight. But if you are not ready to fight them, then you will have to fight, and perhaps ultimately surrender. But if the teeth are in this law, I think they will be used very sparingly because I think the people will go along.

Mr. Hiestand. Do you not feel that that is in large measure due to the fact that public opinion is with this breaking down of discrimination?

Mr. Meany. I think public opinion is generally with it.

I could have put in the record here this morning a long list of things that have happened within our own movement within the last 6 months or so. We keep a record of these things. We are making progress all the time. But I think in the final analysis we have to have a law.

Now let us say, for instance, that the unions all discriminated and they were responsible for all the discrimination within their sphere. Even if this were true, the unions would only be 25 percent responsible because only some 25 percent of the people in this country who work belong to unions. So, somebody would have to take responsibility for the other 75 percent even if we were to take responsibility for all the discrimination that existed in our field. Of course, we don't take all such responsibility, although we do admit we have some responsibility.

Mr. Hiestand. You do feel, however, that enactment of this would help for the locals to open up?

Mr. Meany. It will help the employer who feels right about this thing and perhaps is worrying about the reaction of his union. It will help the union that feels right about it but meets resistance from the employer. It will help us to improve the situation within our own unions.

Mr. Hiestand. We have a lot of evidence, of course, and I think it is generally known that employers have become very much enlightened on this question, and especially in the last 5 or 10 years.

Do you feel, to restate the question perhaps, that without such a law the AFL-CIO would be unable to cope with the situation in some of the unions where the discrimination is obvious?

Mr. Meany. No; I do not say so. I think without the law we would still make progress. We would make it very slowly, I am afraid. With the law, however, we will do the job; we will accelerate the rate of progress and do a much better job. And I feel there is another side to this, Congressman.

I think entirely apart from the question of rights and wrongs, and surely we should be against discrimination for the reason it is wrong if for no other reason, there is a question which involves our Nation's position in the rest of the world. Even little incidents, which we would consider minor incidents of discrimination, are blown up by communistic propaganda.

We have these newly emerging nations, many of them in Asia and Africa, that can be put in what might be called, if not a Negro classification, surely a nonwhite classification, and these incidents, as they are broadcast throughout the world by our friends in Moscow certainly do not help the United States of America in its relations with the rest of the world.

So I think there is an additional reason we should try to have a national law on this.

Mr. HIESTAND. Do you feel there is a danger in putting teeth enough to make this effective and enforcing it that there is a danger to some of our basic freedoms?

Mr. MEANY. I don't think so; no. I have no worry about that at all.

Mr. HIESTAND. May I again express my highest commendation for the masterly manner and the statesmanlike manner in which you have expressed yourself.

Mr. MEANY. Thank you.

Mr. ROOSEVELT. Mr. Meany, the Chair would like to say we think you are the best evangelist who has been before the committee yet, in view of my colleague from California's remark.

The Chair would like to express its appreciation at this time for the presence of the chairman of the full committee.

I already explained, Mr. Chairman, that you had to be before the Rules Committee.

At this time would you like to make any statement?

The CHAIRMAN. I was very sorry I could not be here to hear all your statement.

Your statement is an excellent one. We appreciate your cooperation.

Mr. ROOSEVELT. Mr. Goodell?

Mr. GOODELL. Mr. Meany, I echo the statement of my colleagues here. I appreciate your comments.

I note on page 5, however, that you make the statement at the top of the page:

The employers do the hiring; they choose the workforce. The employers make the decisions on work assignments, promotions, and the like, subject only to protest or challenge by the union where a union exists.

Now, I have no desire to defend employers who are discriminating and I agree that there are many employers who do discriminate, but it seems to me your statement is a kind of whitewash of the unions.

You and I know that in the building trades there are a good many of them where the unions control completely the admission to apprenticeship programs, that they are indentured by contract direct to the unions.

Mr. MEANY. No; you are wrong.

Mr. GOODELL. You say this does not exist, for instance, in the Brotherhood of Electrical Workers.

Mr. MEANY. I say the employer makes the ultimate decision as to who the apprentice is.

Mr. GOODELL. You say it does not exist in the Brotherhood of Electrical Workers, say, in the city of Cleveland, that apprentices are indentured directly to the union?

Mr. MEANY. I don't say that it could not exist in a local union here or there, but I say as a general rule the employer makes the decision.

Now, the International Brotherhood of Electrical Workers has incorporated a nondiscrimination clause in the past year in its national agreement with the national association.

Mr. GOODELL. What we are talking about, Mr. Meany, is de facto. In practical application, the union is controlling in many of these areas admission to jobs and they are controlling it completely.

Mr. MEANY. In some areas, yes.

Mr. GOODELL. That is all I want.

You say here that the employers do the hiring, they do the choosing, it is the employers' fault.

Mr. MEANY. That is what I say, and that is generally true.

Mr. GOODELL. But you agree that in many instances it is not true, that the unions control.

Mr. MEANY. In some instances, I do not know how many; I said before we had 60,000 local unions and I surely can't tell you what is happening in each one of them.

I say to you that that statement that you read does not attempt to whitewash the unions because you have to read that statement in conjunction with the rest of my statement, and I think I made it quite clear that the unions had their share of guilt in this area.

Mr. GOODELL. I think you agree that there is discrimination among the unions but then you make the statement that the employer is the ultimate demon here because he always makes the decision.

Mr. MEANY. In most cases; yes.

Mr. GOODELL. As a practical matter from the operation I have seen in the building trades, it is not true, it is usually the opposite, usually it is the union that controls.

At any rate, we agree that we need a law, we are in favor of it and it will help both the unions and employers in this respect to go on and do something.

Now, you do not mention, Mr. Meany, the question of sex. Do you have any comments at all on discrimination on the basis of sex?

Mr. MEANY. I commented on that before to Mr. Dent. I said I deliberately eliminated that because I felt this subject was big enough in itself and I did not want to clutter it up.

I also told him that we are against discrimination of all kinds, and that I would file a memorandum with the committee on the question of sex which he tells me is to be included in the bill.

Mr. GOODELL. Do you think that we should bar discrimination on the basis of age in the same bill that we bar discrimination on the basis of race, color, and religion?

Mr. MEANY. I would like to leave that to the judgment of people who know the mechanics of legislation much better than I do. I don't know.

Mr. GOODELL. You are in favor of both of them whether they are separate or together?

Mr. MEANY. Yes; that is entirely up to them.

Mr. GOODELL. Do you agree with the overwhelming testimony that we have before this committee that the unions could do a great deal more to eliminate discrimination throughout the country?

Mr. MEANY. I think so; yes.

Mr. GOODELL. You think so?

Mr. MEANY. Yes.

Mr. GOODELL. Do you feel that there is any action the unions can take now to spur this program?

Mr. MEANY. I don't think there is any action they can take at the national level that they have not already taken.

There may be an exception to that but, as I pointed out in my testimony, what do you do with a local union that still practices discrim-

ination and is making full use of the democratic processes that are in the constitution of the international, without violating the letter of the constitution?

Mr. GOODELL. You have asked the question of me?

Mr. MEANY. What I have said in effect, in my testimony, is that an FEPC law will help us in those instances.

Mr. GOODELL. I agree with you and I am in favor of the FEPC law to help you. But I think we have had rather overwhelming testimony that there is more that could be done from the top all the way down through the union movement.

Mr. MEANY. No; I think the people at the top have done quite well. I think today discrimination mainly reflects a state of mind in various localities.

Do you know that, in 1956 after the AFL-CIO passed a very strong resolution on this subject in regard to the Supreme Court decision on desegregated schools, we got nearly 10,000 letters from our members in the southern part of the country, and practically 9,500 of those letters condemned us. We patiently answered every one of those letters explaining our position. I recall one letter quite well, where the head of a fairly large union, a local union in the South belonging to an international union that has a 100-percent record against discrimination, wrote to me and said, "If I have to choose between being a trade unionist and a southerner, I will vote to continue to be a southerner." This is the kind of opposition we have from our own people.

I will say the membership of a good many of those locals was completely in accord with the people who wrote to us. Still we continued our campaign.

I can show you progress not only in the North in this field but in the South also. We are always making progress.

Mr. GOODELL. The only thing that troubles me about your comment with reference to the unions not controlling these things is that we did have testimony in Chicago and other places in the North, from union leaders in those areas, stating rather blithely that they knew of no discrimination in those areas and in their unions, while we had, prior to those witnesses, a whole series of witnesses telling us of discrimination in these same unions.

They were apparently completely blind in the North to the discrimination that existed even though many witnesses had said it was primarily the unions that were responsible.

Now, one final comment and question. I, too, am very proud of the New York State law. We feel that we are leaders in this respect and are very proud of it.

May I ask what relationship you feel this law should have to the legislation in States such as New York and perhaps Michigan and California and others that have strong laws against discrimination?

Mr. MEANY. I think this law has to confine itself to the industries that affect interstate commerce; Congress cannot otherwise legislate in this field.

Mr. GOODELL. You and I know that that is every industry, under present interpretation of the "affecting commerce" clause.

Mr. MEANY. I feel that is so, but a lot of people don't agree with that.

Mr. GOODELL. We have redefined this term.

Mr. MEANY. If it does put practically everything in the interstate category, I wouldn't be mad.

Mr. GOODELL. If there is a New York State law that operates in a given case, would you want our Federal law to permit the State to go ahead and solve these problems, or would you want the Federal to work side by side with them, investigating as the State investigates?

Mr. Meany, do you have any suggestion at all in this respect?

Mr. MEANY. I would suggest that the Federal law would work with them but if it became evident that the State law was not effective, was really acting as a coverup, then I think the Federal authorities should be able to step in.

Mr. GOODELL. Would you agree that where a State group against discrimination, whatever it be, official group, is proceeding, that the best plan is to permit them to do it and if they do not implement their laws effectively against discrimination, then the Federal should move in?

Mr. MEANY. I think that is something that would have to be determined by experience. I think that is fairly sound reasoning, but I would like to see it worked out in actual practice.

Mr. GOODELL. I have no further questions. Thank you very much, Mr. Meany.

Mr. ROOSEVELT. Mr. Meany, on behalf of the committee again let me thank you for bringing Mr. Biemiller, our former colleague, and Mr. Harris with you. You have been most helpful to the committee.

In view of the fact that following your statement there is another statement, I think this will be the proper time for the Chair to ask consent to enter into the record following your testimony, a letter from Mr. C. J. Haggerty, president of the Building and Construction Trades Department, endorsing this legislation; one from Mr. Al Hartnett, international secretary-treasurer of the International Union of Electrical, Radio and Machine Workers, AFL-CIO; one from Mr. David J. McDonald, president of the United Steelworkers of America, and one from the United Hebrew Trades in the State of New York.

Without objection, these statements will follow Mr. Meany's testimony.

Thank you again for being with us.

Mr. MEANY. Thank you.

(The statements referred to follow:)

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., January 29, 1962.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR CHAIRMAN ROOSEVELT: At the time I testified before the Special Subcommittee on Labor on proposed equal employment opportunities legislation, I agreed, in response to an inquiry by Representative John Dent of Pennsylvania as to the attitude of the AFL-CIO on inclusion in the legislation of a prohibition based on sex, to submit to your subcommittee a memorandum outlining the views of the AFL-CIO. This letter sets forth our views on this matter.

As you know, President Kennedy has recently appointed a Commission on the Status of Women, under the chairmanship of Mrs. Eleanor Roosevelt. This Commission has been given broad responsibility to study the effects of Federal and State legislation on the status of women generally and, particularly, their employment conditions. Pending the results of the Commission's study and

recommendations, I do not feel that the AFL-CIO is in a position to be able to evaluate satisfactorily the potential effects of a prohibition of discrimination in employment based on sex, particularly in the light of existing State laws and regulations. Accordingly, we strongly urge you not to include a prohibition of discrimination based on sex in the proposed equal employment opportunities bill.

The American Federation of Labor and Congress of Industrial Organizations is, of course, vigorously opposed to discrimination practiced to the disadvantage of women in employment and has long supported enactment of Federal legislation to guarantee equal pay for equal work, regardless of whether such work is performed by men or women workers. While it is true that a number of State fair employment practice laws prohibit discrimination based on age, as well as discrimination based on race, color, creed, or national origin, these laws do not, as far as I am aware, encompass discrimination based on sex. In our view it would only be confusing to include in the presently pending equal employment opportunities legislation a prohibition based on sex.

Sincerely yours,

GEORGE MEANY, *President.*

BUILDING AND CONSTRUCTION TRADES DEPARTMENT,
AMERICAN FEDERATION OF LABOR,
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
January 23, 1962.

HON. JAMES ROOSEVELT,
*Chairman, Special House Subcommittee on Labor,
U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN ROOSEVELT: In reply to your kind invitation I am pleased to present the views of the Building and Construction Trades Department, AFL-CIO, on the subject "Equal Employment Opportunity" which is being considered by your committee.

The department is composed of 18 national and international unions representing approximately 3 million building and construction tradesmen. In my capacity as president I wish to state my support and the department's support for legislation which is designed to eliminate discrimination in employment.

We support this position not only because it may be popular, but we support it because it is the right thing to do.

As stated from my testimony last year in support of H.R. 8210 relating to the apprenticeship program, I have had close contact with the subject on the State level. Before April 1960 I was executive secretary of the California Labor Federation, AFL-CIO, and prior to the merger the California State Federation of Labor, AFL.

In that capacity I initiated, sponsored, and worked actively to secure the enactment of section 1777.6 of the Labor Code of California which provides that "It shall be unlawful for an employer or a labor union to refuse to accept otherwise qualified employees as indentured apprentices on any public works, solely on the ground of the race, creed or color of such employee."

This legislation was enacted January 11, 1951.

It is of interest to note that the original bill I supported did not limit the legislation to public works. We sought to have the bill apply to all employment in the State.

In 1953 the State Federation of Labor in California caused to be introduced an FEPO bill (No. 917) "relating to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, religious creed, color, national origin, or ancestry, creating a State Commission on Fair Employment Practices, defining its functions, powers and duties, providing for the appointment and compensation of its officers and employees."

Legislation establishing a State Commission on Fair Employment Practices was finally enacted in April 1959.

Today on the national scene, it is a privilege to state that as an integral part of the AFL-CIO we wholeheartedly subscribed to the policy resolution on civil rights and civil liberties which says in part:

"We renew our support for the passage of an enforceable Federal Fair Employment Practices Act. We also renew our call for the enactment of enforceable fair employment practices laws by all States and cities not having such laws and for strengthening of such existing laws to insure their effectiveness."

On behalf of the department, I want to say to the best of my knowledge that there is not a single affiliated international union which refuses to admit qualified workers, either by constitutional provision or by national policy because of race, religion, or national origin. In addition, the department's recent convention, and the executive council of the department, strongly endorsed the testimony which I presented in support of the bill to eliminate race discrimination in apprenticeship programs.

Although the primary responsibility for nondiscriminatory hiring is of necessity the employer's, unions have worked harder than any other group, in my opinion, to end the evil of racial or religious discrimination. The national leadership of our Building and Construction Trade Unions has made a great deal of progress by persuasion and education to persuade those local unions to end any discrimination, and we must assume that some of the 8,000 local building trades unions in certain areas in this country do condone discrimination. However, as you know, under existing statutes, any attempt by the national headquarters to dictate to a local union could very well be determined an illegal act in a voluntary association, and contrary to the expressed will of Congress.

Local unions have gotten the impression that they now have complete autonomy and need not respond to national policies. So at this time when the legal and psychological impact of the Landrum-Griffin law has tended to weaken such disciplinary powers as the international union may have, we need all the legislative support possible if we are to play a proper role in ending discrimination and we thus support the objectives of H.R. 202 introduced by Chairman Powell of the House Education and Labor Committee.

In closing I wish to state that the early enactment of legislation would be a timely step in the right direction. We can no longer tolerate discrimination of any kind in employment practices or in any other area of our society.

With every personal good wish, I am,

Sincerely yours,

O. J. HAGGERTY,

President, Building and Construction Trades Department.

STATEMENT OF AL. HARTNETT, INTERNATIONAL SECRETARY-TREASURER OF THE INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO, AND CHAIRMAN OF THE IUE INTERNATIONAL CIVIL RIGHTS COMMITTEE

I would like to thank the subcommittee and its distinguished chairman, Mr. Roosevelt, both personally and as chairman of our union's international civil rights committee, for the opportunity and privilege of presenting our views on this current issue before the subcommittee, and through you to all the legislators of our Congress.

I think there is one key word in the proposition before you and that is "equal." It does not say "special," or "extraordinary" or "exceptional." It says "equal."

Therefore, I do not believe that we, myself and the organization I represent, could be construed as being here as special pleaders. We ask you to grant only equal employment opportunity to all of the people of these United States.

To accomplish this, we need more than mere passage of an act that announces and declares good intentions and a statement of principle. We need a strong law with effective enforcement machinery, a law with teeth, a law that declares to the whole world that in the United States of America discrimination in employment against an individual or group for reasons of race, religion, color, national origin, ancestry, age, or sex is not only immoral through national sentiment, it is illegal through national law.

In my humble opinion, the only way this law would be enforceable is to create real penalties for its violation. In my reading of the proposed legislation I can find no real penalties. The enforcement procedure, as presently outlined, provides that if an offender chooses to fight compliance, he could do so for years. And if he finally loses the judicial battle to avoid compliance, what is his penalty? Only that he must comply with the law.

Nowhere in the act, as presently proposed, is there any provision for imprisonment for flagrant violators. Nowhere in the main portion of the act, as presently proposed, is there any provision for fines for violators.

In fact, in only one portion of the act is there any provision for a fine, and that is, of course, in section 15, where a fine of \$100 to \$500 is provided for failure to post a notice of "excerpts of the Act and such relevant informa-

tion which the Commission deems appropriate to effectuate the purposes of the Act."

In the first place, gentlemen, a fine of this microscopic proportion, in my opinion, becomes merely a license fee for disobedience of the posting provision.

And in the second place, I would view the act as proposed as inconsistent, inasmuch as it provides a penalty, albeit tiny, for failure or refusal to comply with a separate and distinct portion of the act, but provides no penalty, unless compliance could be considered such, for direct, deliberate, and willful refusal to obey and comply with the act's main, principal, and important features, purposes, and intent.

I would not like to have anyone accuse me of advocating denial of judicial procedure or due process of law to anyone. Nothing is further from my mind.

But the act, as presently proposed, is directly similar, if not identical, to the enforcement provisions of our current labor laws. Here, gentlemen, I believe I can speak with some authority. I have had much experience with enforcement, and attempted enforcement, of our labor laws.

Some of you, too, have realized the inadequacies of our labor laws' enforcement provisions. Not too long ago, I had an opportunity to appear before another subcommittee of the House Education and Labor Committee, headed by Mr. Pucinski, and to testify on some of these inadequacies.

I pointed out, along with others, and many of you agreed, that the present labor laws and procedures are toothless when it comes to enforcement because it is profitable for a management so inclined to violate the law by stalling and delaying for many years, with the result that if finally found guilty, it must merely comply with the law.

I do not believe it is your purpose to put another toothless statute on our record books. In the name of many millions of discriminated-upon workers, I ask you: Give this law teeth. Give it enforceability. Give it life, so that we can stamp out the evils that have necessitated its consideration here today. Give it expediency, for indeed, justice delayed is justice denied.

In urging stringent penalties for violation of this act, I am not advocating these penalties for management violators alone. I ask impartial and equal treatment for any violator, be he management, labor, or anything else.

I would not presume to claim that discrimination does not exist in the labor movement. It does exist, and for this existence I am heartily ashamed.

But I can say with pride that to my knowledge no discriminations exists in the IUE, my union, and in the few instances where it had been brought to my attention in the past, we took immediate steps to eliminate it. Where it does exist within labor organizations, it is the creature of small minds, jealous of personal positions, and unwilling to move into the 20th century.

By attacking discrimination within the labor movement as well as in management, you will be lending immeasurable assistance to the vast majority of labor union leaders and labor union members throughout our Nation who fight daily and tirelessly for the same purposes as this bill.

In this statement I shall not go into the evils, the false rationalizations, the unreasonableness of discrimination by reason of race, religion, color, national origin, ancestry, age, or sex. These facts, I am certain, are already well known to you gentlemen, and they have already been touched upon, more eloquently than I could hope to, by those who preceded me here.

But I would like to touch upon a few economic points concerning the cost of discrimination to this country. Approximately one-tenth of our worker population in the United States is being prevented from producing and thus from buying a large portion of this Nation's output because of discrimination in employment—and this is our Negro work force.

Too many of our citizens with ability and training are prevented from utilizing their skills, and too many are prevented from acquiring these abilities and skills, solely because of the hue of their skins.

In 1959, the average real family income for our 55½ million families was \$6,520—but don't be fooled by that figure. The top 5 percent—2.9 million families, with annual incomes of \$15,000 and over—accounted for \$75 billion, or 21 percent of the total.

The bottom 14 percent—7.5 million families, with annual incomes under \$2,000—received only \$8.4 billion, or about 2 percent of the total family income. And you will find that very many—too many—of these families in the bottom 14 percent are Negro.

A mid-1950's study by Elmo Roper put the cost of discrimination in the United States at \$30 billion a year and a loss of \$10 billion in taxes. These are the latest figures I could find, but I feel certain that the figures have worsened in the intervening years because no one has done anything substantial to better them.

Those who choose to fight against equal opportunity for all people are quick to try to degrade our Negro citizens by pointing out that a large percentage of relief recipients in urban concentrations are in the nonwhite category. I question the motives and sincerity of these people opposed to public assistance to the less fortunate but I do not question their figures.

It's true that many of the unemployed, many of those forced to ask assistance from their Government, are Negro. But this is not their fault. It is the fault of the advocates and the practitioners of discrimination in employment, who try to force second-class citizenship and third-class jobs on American citizens who are, or ought to be free and equal.

In the 1958 recession, 6.9 percent of all white male workers in the U.S. labor force were without work, but 14.6 percent of the nonwhite male workers were unemployed. The following year, 1959, unemployment eased, with 4.6 percent of the white male working force without jobs, but still 11.5 percent of the nonwhite male workers without work.

Passage of this proposed legislation can do much toward erasing the much hated but too true slogan concerning our Negro work force—"Last Hired; First Fired."

Your bill can do much also in providing our Negro workers with opportunities for advancement to more desirable and more demanding jobs.

The 1950 census showed that 14 percent of all male white workers held positions as managers, officials, and proprietors of business. The figure for nonwhite male workers was 2 percent. The census showed that 10 percent of male white workers were in professional and technical occupations. Only 3 percent of the nonwhite male workers were.

Among white women workers, 33 percent were in clerical occupations. Only 8 percent of the nonwhite women workers held the same occupations. Only 6 percent of the white female workers were household workers, but 40 percent of the nonwhite women workers were domestics.

There have been no comprehensive studies of discrimination in apprentice training and vocational training, but we do all know it exists. As far as apprenticeships are concerned, the number of Negroes participating in these programs is close to zero. And many Negroes are dissuaded from taking vocational training in a number of fields because realistic counselors know there are no openings for nonwhites in a number of crafts despite training and skills.

Even in the Federal Government we find the lack of opportunity for advancement because of color. A recent survey was made of this situation and when the results are published I think you will find that while the total number of nonwhites employed by our Government is substantial, this group proportionately holds few positions of responsibility and good pay.

These figures, I feel sure, are clearly indicative of the discrimination practiced in schooling and training, in hiring and opportunities for advancement. Your bill is the partial answer to this national disgrace.

Before concluding, I would like to touch upon one other feature of the proposed legislation, and that is section 7, which outlaws discrimination in pay because of sex.

Here I cannot commend too heartily the foresight and courage of the framers of this bill in seeking to destroy one of the chief evils of our industrial society.

Over the years, the IUE has been one of the leaders in the struggle for equal pay for equal work. I am sorry that I cannot report to you more than moderate success. I, along with thousands of other labor leaders have been waiting for years for action on such a measure in the Congress.

I ask you on behalf of millions of women workers whose pay envelopes are thin, not because they are not capable, but solely because of their sex, to take positive action on this measure.

I think I can state without fear of contradiction that this will be one of the more controversial features of the bill. You will be met with almost unbelievable opposition from industrial firms and organizations which have developed their profit patterns on the basis of discriminating against women workers for reason of their sex.

But I implore you not to abandon this feature of the act. It, along with the rest of the act, has the potential of establishing fairplay and equal treatment for all American workers.

STATEMENT OF DAVID J. McDONALD, PRESIDENT OF THE UNITED STEELWORKERS OF AMERICA

In July 1960 the United Steelworkers of America publicly expressed its dissatisfaction with Congress lack of action in the matter of civil rights legislation by appearing before the platform committees of both the Democratic and Republican Parties to condemn this inaction and petition for the inclusion of a strong civil rights plank in the 1960 platforms of both parties.

We believe that the weight of this testimony, as well as that of the equally strong testimony which was submitted by other labor unions and organizations dedicated to civil rights, had much to do with influencing both parties to pledge themselves in varying degrees to the most comprehensive civil rights programs in the history of either party.

It was particularly noteworthy that both platforms directed more than casual interest to the fact that discrimination in employment practices remains one of the principal violations of the rights of over 18 million Negro Americans and a substantial number of other Americans of various ethnic groups. In the light of their recognition of the problem it was hoped that the legislative action which was pledged by both parties would be carried out with all possible speed.

More than 18 months have now passed since this specific type of action was pledged and a new Congress has ended its first session. It is, to put it mildly, disturbing and discouraging that nothing has yet been done to correct the practices of discrimination in employment which are stunting the economic and social welfare of so many of our fellow citizens.

I am sure that many others have presented statistical and sociological testimony to this committee which substantiates the need for early and positive legislative action which will ban these practices.

I am also sure that due recognition has been accorded the salutary work which the newly created President's Committee on Equal Employment Opportunity is doing. In like manner recognition has been given to the progress which has been made by State and municipal agencies which work in this field.

The United Steelworkers of America pledged its full support and cooperation to the President's Committee shortly after it was created. This was in line with the active part taken by my organization over the years in working for the enactment of the municipal and State laws which have been established during the last 15 years.

However, we are compelled to face the fact that while substantial improvements have been effected by these agencies, the radical changes which are occurring in the physical structure and operation of industry in our country makes it more than ever necessary that we take additional steps. We must set up legal guldesteins which will once and for all guarantee all workers and prospective new workers the right to equip themselves for the higher skills and advanced economic welfare which our modern industrial society offers. No stopgap efforts or promises can serve the need which exists today.

Technological changes are taking place with startling rapidity these days and in the process of making these changes workers are being displaced by the thousands. Particularly is this true in the steel industry where employment statistics show that greater and greater production is being accomplished with fewer and fewer workers.

What does this do to the average worker who happens to be a member of a minority group? Employment practices inimical to his welfare have in all too many instances displaced him from lower rated jobs which are eliminated by automation, and prevented him from equipping himself to advance to higher skilled positions.

Apprentice and vocational training programs unilaterally established by management have been closed in the majority of instances to almost all members of certain minority groups. This is particularly true in the craft and technological fields.

A combination of these conditions has placed the members of minority groups in a particularly vulnerable position where a reduction of the work force has taken place or is being contemplated. This, in part, accounts for the fact that

a greater percentage of nonwhite workers, per total number employed, are displaced than that representing displaced white workers.

There is no question that this condition will continue to grow unless immediate steps are taken to correct the evils which are at the root of the problem. The most effective way for doing this is to enact legislation which will fully protect the minority group worker and prospective worker against the discriminatory employment practices which have plagued him for so long.

In addition, retraining programs for displaced workers must be made available to minority group workers as part of the basic need for qualifying workers for new jobs.

Further, ways and means must be provided whereby young men and women of high school and college age are encouraged to study courses which will equip them to enter employment of their own choosing with the knowledge that they will not be denied the chance to develop their skills because of any accident of their race, color, religion, or nationality.

The time to act is now. Any further delay or postponement can only serve to compound our past failures. While recognizing the progress that has been made, we of the United Steelworkers of America believe that it is imperative that all the Members of the Congress of the United States rise above individual or partisan attitudes which have heretofore kept some of them from voting for the passage of a Federal fair employment practices law, and enact such law at the earliest possible time. Action not words is the immediate need.

STATEMENT OF UNITED HEBREW TRADES

The United Hebrew Trades, which was formed in 1888 to organize Jewish workers into unions is intimately aware and concerned with the harm caused by discrimination.

Over the past three decades, the United Hebrew Trades together with the Jewish Labor Committee has been working with the organized labor movement and the general community to wipe out discrimination against all minority groups. We have long recognized that in order to achieve equal opportunity for all it is necessary for Congress to enact a Federal fair employment practices law which would prohibit discrimination based on race, religion, or national origin.

The experience of the States which have enacted fair employment practice legislation has demonstrated that such laws are effective, if they have adequate enforcement provisions and are properly enforced. However, since employment discrimination is a nationwide problem, it must be treated on a national basis.

As far back as 1883, the U.S. Congress took note of its responsibilities in this area when in the Civil Service Act it banned religious discrimination.

Equality of opportunity has been the beacon light which guided the American people to its greatest achievements and which has drawn to our shores countless thousands of able and hard-working immigrants who contributed mightily to our Nation's wealth.

America's greatest resource is its people, and if certain people are deprived of the opportunity of making their fullest contribution to society because of discrimination, then America is weakened as a result. To deliberately waste the talents of more than one-fifth of the American people is a dubious luxury we can ill afford at this moment in history when the United States must demonstrate its strength and its adherence to the concept of equality.

Because American industry stretches across the continent and because the State fair employment practices laws vary widely in their effectiveness, it is essential that a Federal fair employment practices law be passed which would extend equal employment opportunities equally across our land. State and municipal legislation have been in effect stopgap measures in anticipation of Federal action. One might also consider them pilot studies demonstrating to the Nation the positive results of such legislation.

A Federal fair employment practices law can benefit from the experience of the 19 States having such legislation which bars discrimination in employment. Studies of the State laws have shown that the few without adequate enforcement provisions have been of little value other than educational.

A Federal Fair Employment Practices Commission established to administer the FEP Act should have the power to initiate investigations, receive complaints, hold hearings, subpoena witnesses, issue cease and desist orders and ask court enforcement of its orders.

It should, of course, be given the machinery to conduct educational campaigns for equal job opportunity among employers, unions, professional associations and employment agencies and to attempt to conciliate disputes before taking legal action.

The United Hebrew Trades, as part of the American organized labor movement, is well aware of labor's efforts to end discrimination in its own ranks but also recognizes the extremely difficult task facing it. The job of eliminating discrimination in employment requires the assistance of the Federal Government. There is no better way for the Federal Government to demonstrate its concern with equal opportunity than for Congress to pass an effective Federal Fair Employment Practices Act.

Mr. ROOSEVELT. The committee is very happy now to welcome the distinguished Secretary of Labor, Mr. Arthur J. Goldberg. Mr. Secretary, we are very grateful to you for coming up here. We know how busy your schedule is. I want to thank you for your consideration and for the arrangements which you have made to accommodate the committee.

We know, of course, of your great interest in this field over many, many years. Therefore, I think your testimony will be of particular help to the committee not only in your official capacity but also in your personal capacity in view of your very wonderful record of the past.

We welcome you, sir.

STATEMENT OF HON. ARTHUR J. GOLDBERG, SECRETARY OF LABOR

Mr. GOLDBERG. Mr. Chairman, and distinguished members of the committee. I first would like to introduce my colleagues who are appearing with me.

Mr. Jerry Holleman, the Assistant Secretary of Labor who has appeared before you.

Mr. ROOSEVELT. Mr. Secretary, we are very happy to have you, too, sir.

Mr. GOLDBERG. And the newly appointed Legislative Director of the Department of Labor, Mr. Sam Merriek, who is also not a stranger.

Mr. ROOSEVELT. Mr. Merriek, we are happy to have you, sir.

Mr. GOLDBERG. Mr. Chairman, I have a prepared statement which will be available in a few minutes. It is being mimeographed. With your permission I would like to offer it for the record. I will not read every word of it but I will summarize its highlights.

Mr. ROOSEVELT. Without objection your prepared testimony will follow such testimony as you may presently give.

Mr. GOLDBERG. Mr. Chairman and members of the committee, I appreciate very much the opportunity in these early days of this session of the Congress to appear before the committee which has done so much in the past and will do so much in the future to eliminate the whole area of labor matters and the whole area of equality of employment opportunity.

I am appearing here today on behalf of the administration as well as in my capacity as the Secretary of Labor. I do so to strongly endorse the principle of equality of employment opportunity which is the subject of the bill you have before you and which is the subject of consideration by the committee.

As our individual citizens and the nations of the world are becoming increasingly more aware, this administration stands for progress in human rights as well as economic affairs. We are determined to

use every available opportunity to demonstrate our unqualified commitment to full and equal rights for all of our citizens of every race and color.

We firmly believe that the continued advancement of the banners of freedom and democracy requires the use of all available skills and potential without regard to any arbitrary and irrelevant disqualifications.

We favor this equality with respect to both the employers and with respect to unions as well. Aside from the moral and social implications, this country can ill afford to indulge in the reckless waste of manpower implicit in employment discrimination.

We cannot in numbers match the manpower available to the Soviet Union and Red China. We must compensate for this deficiency in numbers by the skill of our workers and by making the most effective use of their talents.

I am not in a position, because of the time limitation, to comment in detail, Mr. Chairman, upon the bill which you reported yesterday, as I understand. But I do not want my inability to analyze the detailed provisions of the bill to in any way qualify our full sympathy with and our full support of the committee's objectives and the principles underlying the proposed legislation this committee is considering.

We shall be glad in our Department and on behalf of the administration to work cooperatively with the committee in the development of this legislation and we tender our help to the extent the committee desires it in this area.

Now this country has very properly been preoccupied with the civil rights front in one aspect or another for over a quarter of a century, let alone our historical and understandable constitutional dealings with this subject. But it is to the credit of this committee that for the first time in 10 years the House of Representatives, through this committee, has held hearings on a bill dealing solely with equal opportunity in employment. I know that this subcommittee and its fine staff have given unstintingly of their time and energy to the hearings, research, and discussions in preparing this proposed legislation and your great efforts are deserving of the appreciation and support of the entire Nation and they have the appreciation and support of this administration.

It need not be emphasized here that what we do in the area of equal employment opportunity as well as all other areas relating to civil rights is of international significance. Employment discrimination can only weaken our capacity to resist aggression and maintain the peace. It also casts doubts in the minds of other peoples of the free world about our sincerity in furthering the cause of individual liberty and human dignity.

With confidence in the morality of full and equal rights for all citizens, and full awareness of the implications of the failure to advance these rights, particularly in our time with its prospects for continuing competition between ideologies of the democracy and those which would make individual rights subservient to the needs of the States, this administration has wasted no time in addressing itself to these problems whenever and wherever they arise. I do not believe that it can be disputed by any impartial observer that

since President Kennedy took office a year ago this administration has set an outstanding example in the use of existing powers of the Executive and in the enforcement of the letter and spirit of existing laws to the end of achieving equality of opportunity. It is now a matter of public record that when the President of the United States sat on the reviewing stand of his inaugural his attention was directed by himself to the necessity of improving the recruitment into our Nation's Coast Guard as a branch of our services and he has taken action in these rather small but sometimes terribly significant ways in demonstrating his own interest in affording equal opportunity in all aspects of American life.

We saw in the paper the other day for the first time in American history, Negro citizens being sworn in as members of the Secret Service. In these symbolic acts there is great significance for all of our people.

Now, in large areas, as well as small areas, there has been great Executive action in the field of Civil Rights. I counted as of tremendous significance, and of large import and in a large area, the very fine and outstanding Executive order which the President signed creating the Committee on Equal Employment Opportunities of which I have the honor to be the Vice Chairman and our most distinguished Vice President to be the Chairman and Mr. Holloman, my colleague, to be the Executive Vice Chairman.

Except for a brief period during World War II, efforts under comparable committees such as our Committee on Equal Employment Opportunity have been given only limited support and have had only limited success. But I think this is a good occasion for me to report to you as a committee which has had great interest in this matter the very significant progress which has been made by our Equal Employment Opportunity Committee since its establishment by the President several months ago.

In the brief 9 months of this Committee's existence under the chairmanship of Vice President Johnson, it has received almost three-fourths as many complaints as the two committees which previously handled the same problem during the entire period from 1953 to 1960. And people are beginning properly to believe that their requests for help produce results. But the significance of these figures lies less in the number of complaints that have been filed than it does in the kind of corrective action that they are producing.

Thus far, the Committee has achieved corrective action in over 29 percent of the cases involving Government employment policy which have been closed. Consequently, a Federal employee or applicant for such employment has twice as good chance today to have his problem corrected than has been true over the past several years.

There have been also substantial gains in corrective action resulting in new jobs, in new job assignments, promotion, or new training opportunities in cases filed with the committee concerning Government contractors.

Now, statistics are useful for certain purposes but grossly limited in utility in telling the entire story. There are many instances in the experience of the current Committee which can be cited in more human and specific terms. Negroes and other minority workers are today employed in new opportunities as a result of the concerted action by the Federal Government's contracting agencies and the President's

Committee. It is with pride I report that these new employment opportunities occur in virtually every State of the Union, north as well as south, west as well as east, because discrimination, as this committee very well knows, is not confined to any geographical section of the country.

Since we all feel, I am sure, without the necessity for appropriate legislation, that we proceed under the leadership of the Executive and by voluntary action of management and labor, of particular significance are the plans for progress which have been fostered under our Committee leadership. Twenty-one of the Nation's leading corporations are expanding equal opportunities by adopting voluntary plans for progress submitted under the jurisdiction of our committees, and we are hopeful within the next few days to announce an accretion to this number of large employers who are Government contractors who are taking leadership in enlarging the employment opportunities for workers and potential workers in their labor force.

We have also been developing plans for progress with the labor unions of our country and we hope in due time to make announcements in this area.

Now it has seemed to us from the start, and it was one of the cardinal principles of the President, that the Federal Government itself ought to be a showcase for the Nation with respect to equal employment opportunity. And within the Federal Government, itself, we are establishing a record of appointments and assignments of minority workers.

The committee has established two major reporting systems, a census of all Federal employees has been completed and a system for periodic review and comparison is now underway in the Federal Establishment which consists of over 2 million employees. There is also a comprehensive reporting system for the review of the manpower practices of all Government prime and first-tier subcontractors.

Now while we are dealing here today with equal employment opportunity, I think it appropriate to record and to report to you that we are aware that discrimination in employment is not an isolated evil in infecting our Nation's record, but it is a piece of the fabric that is evident in many other areas of our social and economic life.

The administration's record of action extends to these other areas also. The Department of Justice under our able Attorney General has made important progress in the protection of civil rights by a policy of seeking voluntary effective guarantees and action from local officials and civic leaders, without court action, quietly and very often without publicity.

But when effective steps have not been taken as a result of these actions or evasions of court orders have been attempted, formal legal action has been undertaken in broad areas to protect the rights of minority. This action has embraced the right to register and vote and protection from intimidation and reprisal, including economic reprisals through evictions and other ways.

I think it rather interesting that the Attorney General has not just taken public action. He has looked through his own house as well. Employment of Negro attorneys within the Department of Justice has increased fivefold since last January. These men have been selected not because they are Negroes but because they are men of outstanding qualification and proven ability.

There has been substantial progress toward eliminating discrimination in all three major areas of public interstate transportation and continued vigilance and action in this area is being maintained. Regulations have been issued by the ICC upon a petition of the Department of Justice requiring desegregation of bus terminals and court action instituted to obtain compliance from recalcitrant communities. The Department has adopted a policy of preventive action to protect the integrity of the courts and to assist officials and community leaders in complying with their responsibilities in desegregation of schools.

The administration has also concerned itself by direct action through the Attorney General, among other things, with difficult situations of law enforcement arising out of demonstrations and mass arrests.

In closing, may I emphasize that fulfillment of the promise of equal rights and equal opportunities is among the noblest purposes of Government. This administration is pledged to this cause and will work with all levels of Government and all branches of Government in pursuing it.

As President Kennedy stated in his report to Congress on January 10:

This administration has shown as never before how much could be done through the full exercise of executive powers, through the enforcement of laws already passed by the Congress, though persuasion, negotiation and litigation, to secure the constitutional rights of all.

But as the President went on to point out, there is still much to be done, "by the Executive, by the courts, and by the Congress."

Mr. Chairman, I again want to commend the committee for its attention to and its development of legislation in this area and again to record our support of the principles underlying the proposed legislation.

(The formal statement of the Secretary of Labor follows:)

STATEMENT OF ARTHUR J. GOLDBERG, SECRETARY OF LABOR

Mr. Chairman, and members of the subcommittee, I appreciate the opportunity to appear before you on behalf of the Department of Labor and the administration to strongly endorse the principle of equality of employment opportunity.

As our individual citizens and the nations of the world are becoming increasingly more aware, this administration stands for progress in human rights as well as economic affairs. We use every available opportunity to demonstrate our unqualified commitment to full and equal rights for all of our citizens of every race and color. We firmly believe that the continued advancement of the banners of freedom and democracy require the use of all available skills and potentials without regard to any arbitrary and irrelevant disqualifications. We favor, not only equal opportunities for employment, but equality of opportunity in unions as well.

And, aside from the social and moral implications, this country can ill afford to indulge in the reckless waste of manpower implicit in employment discrimination. We cannot match the manpower available to the Soviet Union and Red China. We must compensate for this deficiency in numbers by the skill of our workers and by making the most effective use of their talents.

I am, unfortunately, not in a position to comment on the details of the bill which you are considering since the understandably tight time margins of your operation did not permit the bill to be available to me until yesterday. I have not been able to study the language of the bill. We want to study it, and we would welcome the opportunity to work with the committee toward the achievement of the full objective of equality of employment opportunity in full sympathy with and in full support of the committee's objectives and the principles underlying the proposed legislation.

While some aspect of the broad "civil rights front" has been a perennial national preoccupation for over a quarter of a century, it has been over 10 years since the House of Representatives has held hearings on a bill dealing solely with equal opportunity in employment. I know that this subcommittee and its fine staff have given unstintingly of their time and energy to the hearings, research, and discussions in preparing this proposed legislation. Your great efforts are deserving of the appreciation and the support of the entire Nation.

It need not be emphasized here that what we do in the area of equal employment opportunity, as well as all other areas related to civil rights is of international significance. Employment discrimination can only weaken our capacity to resist aggression and maintain the peace. It also casts doubts in the minds of other peoples of the free world about our sincerity in furthering the cause of individual liberty and human dignity.

With confidence in the morality of full and equal rights for all citizens, and full awareness of the implications of failure to advance these rights—particularly in our time with its prospects for continuing competition between ideologies of democracy and those which would make individual rights subservient to the needs of the State—this administration has wasted no time in addressing itself to these problems whenever and wherever they arise.

I do not believe that it can be fairly disputed that this administration has set an example in the use of existing powers of the Executive and in the enforcement of the letter and spirit of existing laws to the end of achieving equality of opportunity. As you are well aware, Executive orders in this area, and committees established thereunder, have been a part of the paraphernalia of Government since they were given impetus by the distinguished father of the distinguished chairman of this subcommittee.

Except for a brief period during World War II, efforts under these committees have been given only limited support and have had only limited success. However, I am particularly proud of the activities of the Committee on Equal Employment Opportunities headed by our distinguished Vice President and of the substantial progress which has been made by this administration on a broad front in its relentless efforts to eliminate employment discrimination.

In the brief 9 months of this Committee's existence under the chairmanship of Vice President Johnson, it has received almost three-fourths as many complaints as the two committees which previously handled the same problems during the entire period from 1953 to 1960. Now people are beginning to believe that their request for help will produce results. But the significance of these figures lies less in the number of complaints that have been filed, than it does in the kind of corrective action they are producing. Thus far the Committee has achieved corrective action in over 29 percent of the cases involving Government employment policy which have been closed.

Consequently, a Federal employee or applicant for such employment has twice as good a chance today to have his problem corrected as has been true over the past several years. There have also been substantial gains in corrective action resulting in new jobs, new job assignments, promotions, or new training opportunities in cases filed with the Committee concerning Government contractors.

Statistics are useful for certain purposes, but grossly limited in utility in telling the whole story. There are many instances in the experience of the current Committee which can be cited in more human and specific terms. Negroes and other minority workers are today employed in new opportunities as a result of the concerted action by the Federal Government contracting agencies and the President's Committee.

It is with understandable pride that I report that those new employment opportunities in virtually every State of the Union have resulted from the activities of the Federal Government.

While there are compliance sanctions available with respect to Government contractors, we are most encouraged by the leadership taken by 21 of the Nation's largest corporations in expanding equal employment opportunities by adopting the Committee's "Plans for Progress."

Within the Federal Government itself we are establishing a record of appointments and assignments of minority workers. The Committee has established two major reporting systems. A census of all Federal employees has been completed and a system for periodic review and comparison is now underway in the Federal establishments which consist of over 2 million employees. There is also a comprehensive reporting system for the review of the manpower practices of all Government prime and first tier subcontractors.

As we are all aware, discrimination in employment is not an isolated evil infecting our Nation's record, but it is of a piece of the fabric that is evident in many other areas of our social and economic life. This administration's record of action extends to these other areas also. The Department of Justice has made important progress in the protection of civil rights by a policy of seeking voluntary effective guarantees and action from local officials and civic leaders without court action, quietly and without publicity. But, when effective steps have not been taken or evasions of court orders have been attempted, formal legal action has been undertaken in broad areas to protect the rights of minorities. This action has embraced the right to register and vote and protection from intimidation and reprisal, including economic reprisals through evictions and otherwise. Within the Justice Department, employment of Negro attorneys has increased fivefold since last January—attorneys who are men of outstanding qualifications and proven ability.

There has been substantial progress toward eliminating discrimination in all three major modes of public interstate transportation, and continued vigilance and action in this area is being maintained. Regulations have been issued by the ICC, upon a petition of the Department of Justice, requiring desegregation of bus terminals, and court action instituted to obtain compliance from recalcitrant communities.

The Department has adopted a policy of preventive action to protect the integrity of the courts and to assist local officials and community leaders in complying with their responsibilities in desegregation of schools. This administration has also concerned itself with difficult situations of law enforcement arising out of demonstrations and mass arrests.

In closing, may I emphasize that fulfillment of the promise of equal rights and equal opportunities is among the noblest purposes of Government. This administration is pledged to this cause and will work with all levels of government and all branches of government in pursuing it.

As President Kennedy stated in his report to Congress on January 10: "This administration has shown as never before how much could be done through the full exercise of executive powers—through the enforcement of laws already passed by the Congress—through persuasion, negotiation, and litigation, to secure the constitutional rights of all." But as the President went on to point out, there is still much to be done, "by the executive, by the courts, and by the Congress."

Mr. ROOSEVELT. Mr. Secretary, we want to thank you and your colleagues for your very fine statement and particularly we welcome your help as you have very graciously offered it to the committee in preparing this legislation. We recognize that you have not had time to look at the specifics in view of the fact that we only finally made up our own minds yesterday.

The chairman of the full committee, Chairman Powell, has asked me to tell you that the bill will come before the full committee tomorrow and then probably beginning next Tuesday, line by line consideration of the bill will begin. He has asked that, if possible, that you have someone from the Department sit in and advise with us in the consideration of the legislation which will then be considered.

We are particularly anxious that some of the rather difficult phases of the legislation in the enforcement area and particularly in the proposal which is now in the legislation, which would bring within the jurisdiction of the legislation the public employment agencies which are known as State employment agencies but, of course, operate with Federal funds. We would also call to your attention the fact that for the first time in such legislation as this there is taken up the problem of discrimination in both age and sex. We recognize that we are pioneering in a new field. We do not apologize for that because we think that the testimony before the committee is ample particularly in the matter of discrimination on age but we would, knowing that your Department has statistics and figures in this re-

spect, particularly appreciate it if whoever you assign to the committee would also be prepared to comment on this phase of the legislation at the appropriate time.

Mr. GOLDBERG. Mr. Chairman, we shall be very glad to assign personnel for this purpose.

Mr. ROOSEVELT. Thank you.

Mr. Dent?

Mr. DENT. I have no questions. I just want to state that your appearance here today is the greatest help to us because it signifies the full support of the administration for our efforts. I think that is essential to the success of the legislation and, of course, will give us a great deal of support from many of those who are at this time straddling the issue. I am very happy that you could be with us this morning, Mr. Goldberg, and lend us your support.

Mr. GOLDBERG. I thank you, Congressman Dent.

Mr. ROOSEVELT. Mr. Ayres?

Mr. AYRES. Mr. Secretary, your words and presentation are always so eloquent sometimes I find myself agreeing with what you say even though I might not formally, but in this case I can agree with you. I noticed, Mr. Secretary, you did not get into the housing provisions. Is the President going to sign that order?

Mr. GOLDBERG. I have not had an opportunity at this moment to read all the details of the bill.

Mr. AYRES. I am not getting into that, but in view of your statement here, and agree that the President is most sympathetic in this field, he was when he was in the Congress. We enjoyed working with him on these matters, but we have had considerable congressional mail and comment regarding the significance of the President on the housing provisions.

Mr. GOLDBERG. I never like to scoop the President so I think it only appropriate for me to say that at the moment I do not know what his final decision is in this area and I am sure he will announce it at the time he deems it appropriate.

Mr. AYRES. That is all.

Mr. ROOSEVELT. Mr. Pucinski?

Mr. PUCINSKI. Mr. Secretary, I join the other members of the committee in commending you for your appearance here this morning. As always, you have made a very profound contribution to our work.

There are several questions that I think I would like to ask you to see if we can put some of these problems in proper perspective. It is my judgment on the basis of the hearings that we have held in Chicago, New York, and California and again in Washington by this committee, that of the 5 million people presently unemployed in this country, despite the fact that the number of employed is constantly going up, that an analysis of that 5 million group to me indicates that about 800,000 are young people in the draft age who cannot get jobs because an employer does not want to hire a youngster whom he is not going to be able to keep for any appreciable time on a skilled job. Of the remaining 4 million plus, I am of the opinion they are probably equally divided between members of minority groups who are victims of discrimination and older citizens who are perfectly skilled in their work, have the talent, and have the ability, and cannot find employment simply because of the growing tendency in industry to discriminate against a worker only because of his age.

I have had any number of people, I would say I have had hundreds of people who have come to me and say they go down to a factory and apply for a job. They go along very well until the question of age is asked. The moment they disclose they are past 40 or 45, that ends the interview. They are bluntly told that while they meet all the other qualifications they cannot be hired because of age.

Now do you believe that in this legislation the age factor then becomes a very important factor and that if we are going to deal with the problem of eliminating discrimination, we have to consider this increasing phenomenon in American of discriminating against people of middle age.

Mr. GOLDBERG. Congressman Pucinski, I think you have highlighted what is a very important problem, indeed. The employment and unemployment figures which we have released have always in recent years, and particularly in the last year, pointed out some of the matters that you have just referred to. Unemployment exists in higher proportion among our young people, among minority groups, among unskilled people who often are members of minority groups who have been denied opportunities for one reason or another to acquire skill, and among what to me is no longer an older worker, because I am older than he, but a worker in the area of 40, 45, and thereabouts.

I think consideration has to be given as to how best to deal with these problems as well as the problem of denial of equal opportunity because of race.

Now, when I took office in the Department of Labor, I issued an order on our own employment policies preventing discrimination because of age and sex as well as of race. I found, however, that there are laws of Congress, and this is one of the things we have to consider and you have to consider, which exist with respect to the Federal service where the protection of the civil service laws is removed at certain ages. These are the much more ripe ages about which I am willing to concede there is an age problem as you get to 65 and 70, but maybe because it is a few years removed from where I now stand. Later I may not be so sympathetic to the problem of managers in this area.

In the field of discrimination because of sex our studies show that discrimination does exist against women. The President has recently established a Commission on the Status of Women. One of the purposes of that Commission, headed by Mrs. Roosevelt, is to bring to light this situation and to offer suggestions for the improvement of it. We also are supporting a bill which has been in the Congress, and the administration is supporting it, an equal pay bill which will be an important aspect of eliminating discrimination because of sex.

Now, I can say to you that in principle this administration is opposed to the shabby treatment the older worker is getting in American life. Nothing can be more pathetic than to have a man in the full fruit of his years and often with the highest skills denied employment opportunity because he is displaced when he is 40 or 45. Also, there is no basis, it seems to me, in our tradition and in the full principle of our Constitution for discriminating against women.

So I say this subject deserves the attention of the Congress.

Mr. PUCINSKI. Mr. Secretary, I know that you have had a great deal of experience in this field. During the course of hearings on this

subject throughout the country I have asked almost consistently whether or not there is a cost factor involved in hiring older people. We propose in this legislation to prohibit discrimination against the aged, but we have heard that there is a cost factor involved, that it costs the employer more money to hire an older worker. Therefore, I introduced legislation last year before this legislation came up which would try to relieve the employer of the additional cost if there is, in fact, a cost involved, through a form of tax credit.

Now, the reason I am asking you this question is that it is one thing for us to incorporate into this law provisions barring discrimination on account of age but I think we would be somewhat short of our responsibility if we did not also provide some remedies if, in fact, there is a cost factor, and I feel there is, but I have heard people say there is and there is not. I wonder if you have an opinion on the question.

Mr. GOLDBERG. I think there are problems involved in the age area that are special problems. I think that employers have some problems in this area. I think therefore this problem requires some special and extended consideration.

I can cite some from my own experience both as Labor Secretary and my prior experience representing unions. One of the problems that has developed is the question of pension plans for an older worker who is employed. The problem is in terms of the cost to an employer of putting in his labor force people beyond a certain age. If a worker then, at a higher age level, becomes eligible for an employer's pension system, there is a cost factor involved.

Mr. PUCINSKI. If I may interrupt, Mr. Secretary, at the time I introduced my bill I had received statistics which indicated that in the steel industry the difference between a worker age 55 and a worker age 22 is that it costs the employer \$264 a year more to hire that worker at age 55. This was in the steel industry. Excuse me for interrupting you.

Mr. GOLDBERG. I don't know the exact statistics but that does not sound out of line to me in the light of the obvious actuarial problems in employing an older man.

I think there are problems involved and I think you have done a service in calling attention to those problems and they definitely have to be considered.

Mr. PUCINSKI. However, Mr. Secretary, would it be your judgment that these problems notwithstanding, if we are going to deal with the question of discrimination, we should include the factor of age in this bill?

Mr. GOLDBERG. I can't say at the moment without discussion with the members of the committee and looking at the language, whether it would be appropriate at this date to deal with it or whether you want to consider other matters, for example, that you yourself have introduced. I think you have to be fair to the problems of all people involved and I will say that there are problems in the development area that employers have. But at the same time I want to say there is a lot of discrimination against people because of age that is unwarranted under any circumstances.

Mr. ROOSEVELT. Mr. Secretary, I hope you will read this language very carefully because I think we have tried to allow for taking into consideration these problems which seem almost impossible to foresee.

The language of the bill, I think, pretty well covers the fact that any administration of the legislation would have to take into consideration factors which my good friend has brought up.

Mr. GOLDBERG. As I said, I have not studied the language. I just wanted to make that general observation about it.

Mr. PUCINSKI. Mr. Secretary, as you know, the State of Illinois in the last session of the legislature passed an employment practices bill. Two or three weeks ago one of the newspapers in Chicago ran a very elaborate article on the problems that employers who want to comply are running into in being unable to find skilled workers to meet their peculiar demands. This, I imagine, is a problem that we have to consider when we consider this legislation.

I was wondering if, as Secretary of Labor, you have any views on this subject?

Mr. GOLDBERG. I think this committee has already given consideration to these problems and as a committee has discharged its responsibilities in this area by recommending to the Congress for passage the manpower and training bill and the youth employment bill. Both of those bills are designed to afford help to the employers of the country and to people generally to improve the skills and upgrade the skills of our work force. I am very hopeful that the Congress will act upon the good advice of this committee.

This bill, as you know, was passed by the Senate, the manpower bill, and is now before the Rules Committee. I am very hopeful that there will be early action by the Rules Committee so that the House can follow the good advice given by the members of this committee to the Congress and complete action on this bill.

We desperately need in this country the upgrading of the skills of our work force. As our technology improves it is becoming more and more important to have a skilled work force, and the manpower training bill and the youth bill which this committee has considered and favorably acted upon will be important weapons in this area.

Mr. PUCINSKI. I gather then, Mr. Secretary, from your testimony—

Mr. ROOSEVELT. The Chair will have to state that in order to be fair to the remaining gentleman on the committee who has not had a chance to ask questions that the gentleman from Illinois has 1 more minute.

Mr. PUCINSKI. Every place you go around this Congress we have the minute rule. It is getting to the point now where you can't defend legislation any more because you are boxed in by time regulations. But I was going to ask you this question, Mr. Secretary, on the basis of your statements here and replies to the questions I have propounded that this whole field of job discrimination, hiring discrimination requires an approach from a broad standpoint.

This legislation itself is not a panacea. This legislation has to be complemented by a manpower bill, by the youth retraining bill, by some consideration as to whether or not there are cost factors involved in hiring older people.

This is something that has to move on a broad front and each of these respective proposals completes each other if I understand your analysis correctly this morning.

Mr. GOLDBERG. You have said exactly the right thing. In this area, because it would be unfair to employers of America, it seems to

me, to pass a bill for equal employment opportunity and then criticize them for not employing minority groups, if the minority groups are not afforded the opportunity to become skilled. We have to provide both aspects as a measure of the real sincerity of our intention to deal with this problem.

Mr. PUCINSKI. Thank you very much.

Mr. ROOSEVELT. Mr. Goodell?

Mr. GOODELL. Mr. Secretary, it is always a great pleasure to have you here. I noticed your reference to the manpower bill. I am very pleased you did make reference to it.

As you know, I supported that bill as the ranking minority member on the subcommittee. I hope we will get action on it.

You come here, Mr. Secretary, speaking for the President on this legislation?

Mr. GOLDBERG. That is correct.

Mr. GOODELL. Some of us have gotten the impression up to now that this bill might be some sort of political orphan, playing third fiddle to a number of other items here in the legislative priority list of the President. Is this bill rated 57th or 83d or 113th in the President's priority list or where is it?

Mr. GOLDBERG. When a bill has the sponsorship of a committee as eminent as yours and the support of the President I would say it is not an orphan, it has pretty good parents.

Mr. GOODELL. That is very well put. Then is it a high-priority in the administration program?

Mr. GOLDBERG. A bill of this type has the full support of the administration. We have found that when you get into this priorities business that it is self-defeating. The Congress of the United States, the President proposes, the Congress disposes.

Mr. GOODELL. You would not want to classify this as a high-priority item?

Mr. GOLDBERG. All of our measures are high-priority items.

Mr. GOODELL. Do you feel it has urgency?

Mr. GOLDBERG. Every piece of legislation that we have recommended or supported is urgently required for the benefit of the country.

Mr. GOODELL. This has no more urgency than any other piece of legislation you have recommended.

Mr. GOLDBERG. I have mentioned a piece of legislation already recommended by this committee which is before the Rules Committee. In order to get enactment it has to get through your committee first and go over there. So I would say that we regard this to be a very important bill. I don't want to bypass your question.

Mr. GOODELL. Well, Mr. Secretary, you have said that the administration will work cooperatively and this committee has the appreciation and support of the administration, that you strongly endorse the principle although you have not read the bill. Would you agree that it is the usual procedure with any major piece of legislation for the administration to send a draft bill embodying its recommendations.

Mr. GOLDBERG. Not invariably. We have had very important legislation which has emanated from the Congress. I would like to cite some examples of, which we have supported enthusiastically and which have been enacted into law. The area redevelopment bill which we are very proud of as an administration bill was developed

due to the great efforts of members of this committee and Senator Douglas over on the Senate side. We supported essentially his bill.

Mr. GOODELL. You are not saying you did not send up a proposed area redevelopment bill from the administration, are you?

Mr. GOLDBERG. We sent up a bill which was based almost entirely upon what Senator Douglas proposed.

Mr. GOODELL. But you did send a bill up with the President's endorsement, a draft bill to the Congress, and pressed for its enactment.

Mr. GOLDBERG. I believe in that instance that is correct. I was going to give some instances where the Congress took the entire responsibility of developing a bill and we respected the leadership that Congress displayed.

The Senate of the United States last year passed five measures dealing with migratory labor, a subject which I regard to be of high importance for the benefit of neglected workers in America. Those bills were developed under the leadership of Senator Williams and Congressman Zelenko of this committee. We did not send up a draft bill. I appeared in wholehearted support of the bill which emanated from the Congress and the Senate took action.

I hope the House will take action on those bills.

Mr. GOODELL. Mr. Secretary, can you name any major piece of legislation that the administration supports now where you have not sent a draft bill up here which you are pressing upon the Congress as a proposal?

Mr. GOLDBERG. I named five which we regard to be major legislation just now.

Mr. GOODELL. Do you feel this is in the same category as the migratory labor bill?

Mr. GOLDBERG. Again, I don't want to attempt to say that this problem or that problem is of one category or another. By the way, the migratory bills are antidiscrimination bills. Most of the migratory laborers of our country are members of the minority groups, Negroes, Puerto Ricans, and so on.

Mr. ROOSEVELT. Will the gentleman yield?

Mr. GOODELL. Yes.

Mr. ROOSEVELT. Mr. Secretary, is it not also true that the Pension and Welfare Disclosure Act which I believe you fully supported and which is now before the Senate and which passed this committee resulted from congressional initiation and you did not send up a draft bill but you allowed us to work it out on our own and then you got behind it wholeheartedly and we have high prospects of passing it?

Mr. GOLDBERG. You anticipated a statement I was going to make. I think in a partnership between the Congress and the administration which we are anxious to foster, it is appropriate always that the administration send up some measures, Congress initiate some measures. This is the way traditionally legislation has been enacted.

Mr. GOODELL. Certainly, I feel if you have given any high priority to the legislation we have had the tradition that the President will send up a draft bill. I feel the lack of this very deeply, as a good many others do in the Congress in respect to this legislation.

Mr. GOLDBERG. May I say this, Mr. Goodell. In the normal course the President is going to send, as are now being developed, 15 or 16 specific legislative proposals to the Congress, specific bills. What higher priority could we give after this committee, getting on to this

job, has developed a bill, before the normal problems which are involved in administration clearance and the Budget Bureau, and so on, take place, than coming here with my appearance here this morning and saying we endorse the principles of your bill. Isn't that a high priority action of our administration?

Mr. GOODELL. I am glad to hear you say that this bill has high priority. It is just that I feel very deeply that it is an exercise in futility if the President sits on his hands and just says that he supports it. He is going to have to push, to recognize the realities we face with reference to this legislation and to give it very high priority and very high urgency.

I might say that I am very glad that the development by this committee of a bill has finally smoked the administration out so they finally came up to give us a comment. For a while I thought they were not going to say a word about it. Finally we have gotten a very esteemed, respected member of the highest echelons of this administration and we are glad we have. I hope it is not going to end there.

I would like to ask you the question: Whatever happened, Mr. Secretary, to the high priority of a civil rights bill that the President promised in the campaign of 1960 when he was a Senator. He said it would be among the first orders of business in January 1961?

Mr. GOLDBERG. Of course, let me respond to the first part of your statement if I may, Congressman. I think it is quite significant and perhaps it may not be regarded so, that the first measure I am testifying on in this Congress is this bill.

Mr. GOODELL. You are 1 year late on civil rights already so far as the President's commitment is concerned.

Mr. GOLDBERG. I don't believe it can be fairly said that this administration is late at all in the field of civil rights. I know of no subject which has occupied the attention of the administration more than the civil rights area.

I claim proudly more progress in this area in the last year than has ever taken place in American history.

Mr. GOODELL. Mr. Secretary, my question refers to legislative proposals. I commend the President for his action in the Executive field. You have chronicled a good many actions he has taken in the Executive field for which we all commend him. You may, by chronicling all these Executive measures, imply that we need no legislative movement.

Senator Kennedy, as a campaigner, said we need it, it had highest priority. It will be among the first orders of business in January 1961, and therefore we never heard a word from him.

We have not yet heard a word from him. We have not yet heard a word from him on it.

Mr. GOLDBERG. I want again to remind you, Congressman Goodell, that you have heard from the President in the message that we all heard when he delivered it to the Congress in his state of the Union message in which the President said, and I want to again repeat what he said, "This administration has shown as never before how much could be done through the full exercise of Executive powers, through the enforcement of laws already passed by the Congress—through persuasion, negotiation, and litigation, to secure the constitutional

rights of all * * * and then, " * * there is still much to be done by the Executive, by the courts, and by the Congress."

This is scarcely a policy statement of the President saying that he does not believe that congressional action is required.

Mr. GOODELL. Mr. Secretary, if I may conclude, I would just like to get the record clear on this point.

On September 9, 1960, in Los Angeles, speaking to a largely Negro audience, Senator Kennedy as a campaigner said:

The President must give us the legal weapons needed to enforce the constitutional rights of every American. He himself must draft the programs, transmit them to the Congress, and fight for their enactment, taking his case to the people if the Congress is slow in acting. Such legislation is already being prepared. I have asked Senator Clark, of Pennsylvania, and Congressman Celler, of New York, to prepare a bill embodying all the pledges of the Democratic platform. That bill will be among the first orders of business when a new Congress meets in January.

We not only heard nothing from the President in January or February or March, but nothing whatever on civil rights legislation last year.

Mr. DEXT. Will the gentleman yield?

Mr. ROOSEVELT. I am sorry, the Chair will have to rule that this subject matter is not before this committee, that it is a matter before the Judiciary Committee.

Mr. GOODELL. I object to the chairman's ruling. We are talking about civil rights and this is a civil rights bill.

Mr. ROOSEVELT. I rule the question out of order.

Mr. GOODELL. Accepting the chairman's decision, may I say I hope and pray that we are not going to have some pious expression of support for this legislation but that the President is going to fight alongside of us on a bipartisan basis which is the only basis on which we are ever going to get this kind of legislation enacted.

Mr. DEXT. Mr. Chairman, I would like to make the record and keep it clear that inasmuch as we now have the approval and the tacit orders as it were of the minority, that the President use all of his pressures, all of the available means at his command, not alone for this piece of legislation which is on his agenda but for all of the present legislation and, we will not hear from the other side that the President is using undue influence upon the Congress.

Mr. GOODELL. May I say I hope he is not going to put this at the bottom of the list behind all the other things that he feels are important on which he has to appeal to the various chairmen from the South?

Mr. ROOSEVELT. The Chair will let the gentleman from Illinois make one statement and then the committee is not properly in session.

Mr. PUCINSKI. I just want to join my colleague from New York in his prayers. I am going to pray just as fervently that the minority party is going to join us in trying to change some rules in the other body so that we can move ahead with civil rights legislation in this Congress.

When they are ready to join us in that, then I think we are going to be able to do everything that we have to do to eliminate discrimination on a lot of other things.

Mr. ROOSEVELT. Mr. Secretary, on behalf of the committee I want to thank you very greatly for your presence, for your very helpful testimony. I know that you will fully implement the pledge you

made to the committee and I think that answers any comments that any member of the committee may have made.

Thank you very much.

Mr. GOLDBERG. Thank you, Mr. Chairman, very much.

Mr. ROOSEVELT. I have a few documents and statements which I wish to place in the record at this point.

The first is a letter, dated January 4, from Jerry R. Holleman, Assistant Secretary of Labor, enclosing a report which was compiled by a special task group.

Next is a telegram addressed to me as chairman of the subcommittee, dated January 19, 1962, from Governor Brown of California.

Next, a telegram dated January 18, 1962, from Mayor Richard J. Daley of Chicago, Ill.

Next, a letter dated January 17, 1962, from the National Catholic Conference for Interracial Justice, signed by John J. O'Connor, chairman.

Next is a letter from the National Association for the Advancement of Colored People, dated January 22, 1962, signed by J. Francis Pohlhaus, counsel of the Washington bureau, enclosing a memorandum setting forth their views.

Next, a statement by the American Veterans Committee, Inc., Washington, D.C.

Next, a letter from Senator Hubert H. Humphrey.

Next, a letter from Gov. Michael V. DiSalle, of Ohio.

Next, a letter from Mayor Joseph M. Barr, of Pittsburgh.

Next, a letter from the Kansas City Commission on Human Relations.

Finally, a letter and statement from local 1707, Community & Social Agency Employees Union.

Without objection, these documents will be placed in the record at this point.

(The documents and statements referred to follow :)

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., January 4, 1962.

HON. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.

DEAR JIMMY: The enclosed report was compiled by a special task group who were asked to make a study of apprenticeship and the adequacy of our apprenticeship programs and efforts. While their analysis of the situation seems to be fairly thorough, it seems to me that some of their suggestions for corrective legislation are of doubtful value.

The Department of Labor is in the process of preparing proposed legislation on the subject of discrimination in apprenticeship and training that will go substantially beyond the suggestions of the task group report. We should have this ready for your consideration very shortly. I believe it will be much more satisfactory than the suggestions in this report; however, it does not encompass item 1 under "Need for New Legislation" and you may wish to give consideration to this.

Please let me know if you need further elaboration.

Sincerely,

JERRY R. HOLLEMAN,
Assistant Secretary of Labor.

PROBLEMS IN DEVELOPING APPRENTICESHIP IN THE UNITED STATES

This paper describes the national apprenticeship program promoted by the U.S. Department of Labor's Bureau of Apprenticeship and Training. The extent to which the program is assisting young persons to prepare for careers in industry

is discussed. Barriers to Negro participation and steps that might be taken to provide more apprenticeship opportunities for Negroes are then considered.

I. LEGISLATIVE AUTHORITY

The National Apprenticeship Act authorizes and directs the Secretary of Labor to "formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate * * * with the Office of Education. * * *"¹

The Bureau's activities also are authorized by the enabling act that established the **Department of Labor**, which authorizes the Secretary of Labor to promote the welfare of workers.

II. THE ORGANIZATION OF APPRENTICESHIP IN THE UNITED STATES

The Bureau of Apprenticeship and Training encourages and assists employers and labor organizations to plan programs of apprenticeship that will be in their own longrun interest. The apprenticeship method of training craftsmen provides a systematic approach to mastering all the skills and knowledge involved in a trade. It combines actual work practice and experience with technical instruction in subjects necessary to the craftsman in the performance of his job. Depending on the requirements of a craft, the related instruction may cover mathematics, drawing, blueprint reading, materials, and in some cases, such general subjects as English and report writing. Related instruction is given in a school, usually in a school operated by public educational authorities associated with the U.S. Office of Education, Department of Health, Education, and Welfare.

The apprentice is an employed worker who learns the skills of his trade by performing work on the job under the guidance of a craftsman. Necessary theoretical instruction is provided. The apprentice's growth in skill and knowledge is reflected in his paycheck.² Moreover, he knows that when his apprenticeship has been completed, he will be recognized by both management and labor as a journeyman.

Participation in apprenticeship is voluntary. Effective training cannot take place without the wholehearted cooperation of the employer, the apprentice, and the craftsmen who supervise and train the apprentice. It is important that each of the parties involved in apprenticeship programs be convinced that he will benefit from the program. Otherwise he will be reluctant to carry out the program.

In working with industry to establish apprenticeship programs, BAT places considerable emphasis on quality. In fact, the entire process of organizing an apprenticeship program could be looked upon as an effort to improve the quality of experience gained on the job. When the improvement in quality has satisfied the criteria included in the fundamentals of apprenticeship, the program may be registered.³ This emphasis on quality is of distinct advantage to the apprentice. He is given an opportunity to master every aspect of a trade and he can look forward to steady employment when he has completed his apprenticeship. At the same time, however, it should be recognized that there is a limit to the number of young people that can be inducted into an industry in such a favorable manner.

An employer is usually reluctant to train an apprentice if he is not certain that there will be a position available in his organization when the apprenticeship has been completed. Furthermore, sharp fluctuations in manpower requirements in some industries make it difficult for an employer to keep an apprentice steadily employed. To help solve this problem the Bureau has encouraged groups of employers, in cooperation with labor organizations, to set up Joint Apprenticeship Committees composed of equal representation from labor and

¹ The National Apprenticeship Act (50 Stat. 663; 29 U.S.C. 50) approved, Aug. 10, 1937.

² Beginning apprentices usually receive about 50 percent of the wage paid to journeymen. Most programs provide for an increase every 6 months in the percentage of the journeyman wage received by apprentices. During the final 6 months of the program the apprentices usually are paid about 90 percent of the journeyman wage rate.

³ Registration is voluntary. In 30 of the States, registration is with the State Apprenticeship Agency. BAT acts as the registration agent in other States.

management. Apprenticeship field representatives and vocational education officials usually participate in an advisory capacity. Apprentices are assigned to different contractors in accordance with the manpower requirements of the contractors and the need of the apprentice to obtain instruction and experience in every aspect of the trade. An increasing number of JAC's are employing coordinators to administer their programs.

III. SELECTION OF APPRENTICES

The selection of apprentices is the responsibility of the sponsor or sponsors of an apprenticeship program. Well-operated programs usually have far more applicants for apprenticeship than there are openings. The sponsors usually do not ask the public employment service or the schools to refer apprentice applicants and they do not advertise for apprentices. As a result, Negroes or other minority groups who have no connection with the trade usually do not apply for apprentice jobs.

In selecting apprentices, some preference is usually given to persons who have already had some experience in the industry. Preference may also be given to those who have some knowledge of the trade or who have a close relative in the trade. This sometimes helps to assure that apprentices will know what is involved in the trade and not drop out after a few weeks. Although there is some justification for these practices, they tend to restrict apprenticeship opportunities.

The Bureau of Apprenticeship and Training encourages program sponsors to use objective selection procedures. A chart presentation on selection techniques has been developed for use by BAT field representatives in discussing selection with employers and JAC's. Moreover, program sponsors are encouraged by the Bureau of Apprenticeship and Training to make full use of the public employment service. Referral and counseling of applicants are activities assigned by law to the employment service and are not functions of the Bureau of Apprenticeship and Training. Moreover, the Bureau does not have the resources to do this work.

IV. THE VOLUME OF APPRENTICESHIP IN THE UNITED STATES

The volume of apprenticeship in the United States is not adequate to meet the needs of the economy. Planned apprenticeship has not been established in many occupations. Even in the trades where apprenticeship has been developed, not enough apprentices are being trained to replace anticipated losses from death and retirement. Although immigration once provided a large number of craftsmen trained in Europe, this is no longer an important source of supply.

Not all workers achieving journeymen status are trained through apprenticeship and it is not expected that all journeymen in the future will have the advantage of formalized apprenticeship. Craftsmen acquire their skills in a variety of ways, including the gradual building up of skills through on-the-job experience, training received in the military service, and training in trade schools.

Although all craftsmen need not be developed through apprenticeship, it is desirable that a high proportion receive this type of training. Automation and other technological changes have increased the skill and knowledge required in many jobs. It is from the apprentice-trained craftsmen that employers usually obtain their foremen and superintendents. The opportunity to "learn while you earn" is also to the definite advantage of the worker.

In considering the need to expand apprenticeship, this paper will first review the situation in the construction industry, where over 60 percent of the registered apprentices are currently employed. The need to develop more apprenticeship in other industries will then be discussed.

Construction industry

Although considerable progress has been made in establishing apprenticeship programs in the construction industry, additional programs are urgently needed. Labor and management groups at the national level have taken steps to promote apprenticeship, but many of the local affiliates of these groups are not conducting adequate apprenticeship programs. For example, a study of masonry construction conducted by BAT in 1960 found that JAC's were being sponsored by only 424 of the 831 local unions of the Bricklayers, Masons, and Plasterers International Union. Even in communities in which there is an active program, the number of apprentices employed is often less than the number needed. Furthermore, the national contractors' organizations and the building trades unions are not

effectively organized in many small cities and towns. Very little planned apprenticeship has been developed in such communities.

At the current rate of apprentice employment only about 10 percent of the total number of journeymen needed in the building trades throughout the country will be provided through apprenticeship. In carpentry, the largest of the building trades, it is estimated that apprenticeship will provide only 6 percent of the needed journeymen. The proportion of journeymen needed by 1970 that will be provided through a planned apprenticeship at the current rate in other selected trades is as follows:

Trades and percent of needed journeymen to be provided through apprenticeship

Brick, stone, and tile.....	22	Plumber and pipefitter.....	17
Cement mason.....	12	Roofer.....	12
Electrician.....	36	Sheet metal worker.....	21
Iron worker.....	15	Asbestos worker.....	3
Lather.....	8	Bollermaker.....	4
Painter and paperhanger.....	3	Glazier.....	21
Plasterer.....	15		

More detailed data are provided in table 1, which shows for selected occupations the estimated number of additional workers required by 1970 to replace losses resulting from deaths and retirements, and the number needed to meet increased demand. The table compares the number of additional journeymen needed in each trade with those who will be trained through apprenticeship, if training programs continue to operate at current levels. Although measures have already been taken by several trades to expand apprenticeship to some degree, a herculean effort will be required if a high proportion of the journeymen needed by 1970 are to be provided through apprenticeship.

TABLE 1.—Estimated number of journeymen needed by 1970 compared with the number that will be provided through apprenticeship

Trade	Estimated number of journeymen currently employed ¹	Estimated number of additional journeymen needed by 1970				Estimated number of journeymen that will be provided through apprenticeship if programs continue to train the number currently enrolled in apprenticeship ⁴	
		To replace losses—		To meet increased demand ²	Total needed	Number	Percent of total needed
		Resulting from deaths and retirements ³	Resulting from shifts to other occupations ³				
Brick, stone, and tile.....	270,000	59,000	2,000	105,000	166,000	37,080	22
Carpenter.....	1,200,000	288,000	226,000	440,000	954,000	55,380	6
Cement mason.....	45,000	11,000	3,000	20,000	34,000	4,030	12
Electrician (construction).....	130,000	30,000	2,000	80,000	112,000	39,770	36
Iron worker.....	90,000	21,000	12,000	50,000	83,000	12,450	15
Lather.....	35,000	9,000	5,000	5,000	19,000	1,520	8
Painter and paperhanger.....	425,000	106,000	87,000	90,000	283,000	8,560	3
Plasterer.....	67,000	16,000	5,000	20,000	41,000	6,180	15
Plumber-pipefitter.....	315,000	72,000	17,000	135,000	221,000	38,640	17
Roofer.....	58,000	12,000	8,000	25,000	45,000	5,220	12
Sheet-metal worker.....	140,000	28,000	8,000	85,000	121,000	28,790	21
Elevator constructor.....	10,000	2,000	1,000	5,000	8,000	(⁵)	(⁵)
Operating engineer ⁴	225,000	56,000	30,000	150,000	236,000	1,000	(⁵)
Asbestos worker.....	20,000	4,000	3,000	10,000	17,000	590	3
Bollermaker.....	32,000	8,000	4,000	18,000	30,000	1,080	4
Glazier.....	12,000	2,000	2,000	10,000	14,000	3,000	21

¹ Preliminary estimates based on a study being conducted by the Bureau of Labor Statistics, except data shown for bollermaker, elevator constructor, and lather which are estimates made by the Bureau of Apprenticeship and Training. For a detailed analysis of employment trends, see the forthcoming publication of the Bureau of Labor Statistics, "Manpower Needs and Resources in the United States, 1960-75."

² Based on "Tables of Working Life for Men," developed by the Bureau of Labor Statistics, and estimated age distributions.

³ A rough estimate based on a study of the employment histories of former apprentices.

⁴ Assumes continuation of current level of registered apprenticeship and rate of completion. Also includes allowance for apprentices who fail to complete their apprenticeship training but eventually become journeymen in their trade.

⁵ Data not available.

⁶ Does not include oilers and helpers.

⁷ Less than 1 percent.

In considering the above data it should be kept in mind that not all craftsmen are developed through planned apprenticeship. Even if only 50 percent of new craftsmen were provided through planned apprenticeship, management and labor officials in some trades might be reasonably well satisfied. However, the proportion of trade entrants now provided through apprenticeship in many crafts is so small that even minimum goals are not being attained.

Other industries

The volume of apprenticeship is even less adequate in other parts of the economy than in the construction industry. Available data would seem to indicate that only a small fraction of the needed apprentices are being trained. A study of "Manpower in Selected Metal Crafts in New York State," conducted by the New York State Department of Labor revealed that only 17 percent of the firms employing craftsmen were doing any training and that only about one-third of the trainees were registered apprentices.⁴ A study of 2,434 contract tool and die firms conducted by BAT in 1959 found that the industry was training only a fraction of the apprentices needed.⁵

To get a more complete picture of apprenticeship and training activities in various industries, BAT is conducting a nationwide study. A pilot study was conducted in New Jersey in 1959. It was found that only 16 percent of the establishments were sponsoring training of any type. The proportion sponsoring training in various industries is shown below :

<i>Industry group</i>	<i>Percent with training</i>
Total all industries.....	16.2
Transportation, communication, and public utilities.....	20.4
Manufacturing.....	25.4
Wholesale trade.....	21.8
Retail trade.....	11.0
Finance, insurance, and real estate.....	25.9
Other.....	6.8

But even more significant, the study found that less than one-tenth of the trainees reported in New Jersey were apprentices. More trainees were in sales, safety, and other short-term training programs than were in apprenticeship.

Approximately half of the workers apprenticed in the United States do not complete their training. Some of the dropouts eventually obtain jobs as journeymen, but they do not have as good an opportunity to master every aspect of the trade as would be the case if they had completed apprenticeship. The high dropout rate lessens the effectiveness of apprenticeship as a source of craftsmen.

In the light of these data it is clear that a substantial improvement is needed in both the quantity and quality of apprenticeship in the United States even to provide a modest proportion of the additional craftsmen required. Apprenticeship and training become especially important as business activities expand. Training additional craftsmen helps to prevent skill bottlenecks and thus makes it possible for the economy to reach a high level of employment without serious inflation.

V. PROMOTIONAL METHODS EMPLOYED BY BAT

In promoting apprenticeship, BAT relies heavily on direct contacts by field representatives with employers and labor unions. This approach results in approximately 1,200 new apprenticeship programs each year. However, this figure is not very large in comparison to the number of employers in the United States. Some indications of the size of the job confronting the Bureau is provided in the table below which shows the number of establishments in various industries, with a breakdown by size of the establishment.

⁴ These plants were training about 5,800 persons at the same time that they were employing 42,000 already skilled craftsmen. Among trainees in all occupations covered by the survey, the largest proportion (40 percent) are under informal training programs—those that do not define the training period. Approximately a third of the trainees are under formal programs that are not registered with the New York State Apprenticeship Council, while the remaining 26 percent receive their instruction under registered programs. "Manpower in Selected Metal Crafts," New York State, Department of Labor, 1959, p. 2.

⁵ "Apprenticeship and Training in the Tool and Die Industry," Bulletin T-150, Bureau of Apprenticeship and Training, U.S. Department of Labor, November 1959.

TABLE 2.—*Number of industrial establishments in the United States by industry group and size of employer, 1959*

Industry group	Total reporting unit	Number of reporting units, by employer-size class					
		0 to 7	8 to 19	20 to 49	50 to 99	100 to 499	500 or more
Total ¹	3,206,883	2,455,979	451,718	183,981	61,005	46,221	7,979
Mining.....	31,801	18,622	6,958	3,844	1,263	935	179
Contract construction.....	301,604	232,974	43,971	17,007	5,078	2,454	120
Manufacturing.....	290,902	127,912	65,819	46,434	22,444	23,375	4,868
Transportation and other public utilities.....	120,169	79,905	20,942	11,086	4,230	3,353	653
Wholesale trade.....	280,084	184,427	60,559	24,721	6,210	2,897	170
Retail trade.....	1,074,215	872,014	144,509	42,396	9,757	4,812	727
Other (includes finance, insurance, real estate, and service).....	1,107,208	938,125	108,960	38,443	12,023	8,395	1,292

¹ Excludes 23,441 establishments in agricultural services, forestry, and fisheries, and 72,199 nonclassifiable and unclassified establishments. Also excludes establishments in industries not covered by OASI insurance programs such as agriculture, railroads, public schools, and other Government establishments.

Source: Pt. 1, U.S. summary, first quarter 1959, "County Business Patterns," U.S. Department of Commerce and U.S. Department of Health, Education, and Welfare.

Table 2 shows that there are approximately 55,000 establishments in the United States employing at least 100 workers. In manufacturing alone there are about 28,000 such establishments. The BAT staff of 240 field representatives is able to call on only a small proportion of these establishments in any year.

To supplement the direct contacts of field representatives, the Bureau has encouraged other organizations to engage in promotional activities. BAT has also made use of newspapers, trade journals, and other mass media. These indirect approaches to the promotion of apprenticeship will be discussed below.

National industry projects

To capitalize on the interest of labor and management organizations at the national level, BAT conducts promotional projects in certain industries, including aircraft manufacturing, tool and die manufacturing masonry construction, carpentry construction, and printing. During the factfinding phase of these projects, information is obtained on the apprenticeship and training programs that are already being conducted and the extent to which additional programs need to be developed. The national organizations sponsoring the project then encourage their local affiliates to take the necessary steps to develop additional apprenticeship and training. BAT also encourages the establishment of training funds, which are usually set up by collective bargaining. Training funds are used to employ apprenticeship coordinators, purchase equipment, conduct completion ceremonies, and finance other apprenticeship and training activities.

The Bureau also encourages national level organizations to sponsor apprenticeship contests. The contests give outstanding apprentices an opportunity to demonstrate their skill and knowledge. The competitions stimulate pride in craftsmanship and help acquaint the public with apprenticeship.

The Bureau has had considerable success in promoting apprenticeship through the national industry approach. The national industry projects have been especially effective. However, the expenditure of a considerable amount of staff time is involved in conducting these projects. With its existing resources, the Bureau is able to initiate only about two new industry projects each year.

Community level promotion

In a few communities BAT has been highly successful in working with community organizations in promoting apprenticeship and training. Comprehensive promotional projects have been developed in cooperation with chambers of commerce, Kiwanis Clubs, central labor councils, and other community organizations.⁶ Community groups can also often be made interested in promoting pride in craftsmanship and in sponsoring an Apprenticeship Week. Furthermore, these organizations are sometimes willing to assume a continuing responsibility for manpower development and training activities. Community training committees

⁶ For a description of a community promotional project in Waterville, Maine, see "The Waterville Story," Bureau of Apprenticeship and Training, U.S. Department of Labor, 1957.

are sometimes established to help employers organize training programs. This may make it possible for a small employer, who would otherwise not have any planned training, to participate in a group training program.

In communities that have been designated redevelopment areas by the Secretary of Commerce, the Bureau works with employers, labor unions, schools, and community organizations in developing training programs under the Area Redevelopment Act. The Bureau is also working with the Office of Emergency Planning in a few communities in developing pilot projects to determine how best to make available the skills of craftsmen and apprentices in time of national emergency.

The success that has been experienced in some communities indicates that it would be feasible for the Bureau to make greater use of the community approach. Carrying out the community approach, however, involves close working relations with civic groups, and this requires a great deal of staff time. The size of the field staff is adequate to carry out this approach in only a few communities each year.

Use of mass media

BAT has from time to time made effective use of newspapers, magazines, radio, and television. Additional resources would enable the Bureau to make greater use of such media. Journals published by international unions and trade associations are usually very receptive to articles on apprenticeship. Movies can also be very effective in the promotion of apprenticeship. BAT has occasionally assisted other organizations prepare films and this year the Bureau has undertaken production of a promotional film. Promotional materials occasionally have been mailed to employers and labor unions. This is another area in which additional resources would enable the Bureau to do a more effective job in its promotional activities.

VI. BARRIERS TO NEGRO EMPLOYMENT

A sizable increase in the volume of apprenticeship in the United States would improve the chances of Negroes to be apprenticed. However, the number of Negroes employed in apprenticeship programs will not be very large until certain barriers are removed.

Apprenticeship openings are given little publicity and Negroes seldom hear of these openings. To help solve this program, a central clearinghouse for information on apprenticeship opportunities might be established in each community. This approach will be tried in Los Angeles and Fresno, Calif., in 1962. The pilot program will be operated by the California Department of Employment. The California Division of Apprenticeship Standards and the State department of education will help provide necessary information.

Applicants for apprenticeships are sometimes required to have the endorsement of someone already in the trade for which they would like to be apprenticed. As was previously mentioned, the fact that few Negroes are now employed in some crafts makes such a requirement a difficult obstacle to overcome. To encourage sponsors of apprenticeship programs to use objective selection procedures, BAT has developed a chart presentation on selection which is given by field representatives to joint apprenticeship committees and other program sponsors. The Bureau also plans to employ four special representatives to promote the employment of minority groups in apprenticeship.

BAT has taken some additional steps to encourage equal opportunities in apprenticeship. Executive Order No. 10925 has been brought to the attention of JAC's, employers, and labor organizations sponsoring apprenticeship programs. Since July 31, 1961, the Bureau has required that an equal opportunity clause be included in apprenticeship programs by companies holding Government contracts; furthermore, all new programs submitted to BAT for registration must contain such a clause.[†]

Another obstacle to greater Negro participation in apprenticeship is the fact that not very many Negro youngsters have had the educational background required for apprenticeship. This situation is perpetuated by the reluctance of some school officials to encourage Negroes to prepare for fields in which they fear Negroes have little chance of obtaining employment. There is need for a long-range attack on this problem that will make it possible for members of

[†] BAT Circular No. 65-5, July 31, 1961.

minority groups to obtain both the required educational qualifications and equal opportunity for entry into apprenticeship. Preapprenticeship programs conducted by secondary schools, in close cooperation with the sponsors of apprenticeship programs, would help to overcome this obstacle.

VII. CONCLUSION

A substantial expansion of apprenticeship opportunities and elimination of discriminatory practices in the employment of apprentices are urgently needed. A variety of measures to accomplish these ends which can be taken within the framework of existing legislation are summarized below. These measures, however, may not be sufficient. New legislation may be necessary. This paper concludes with a discussion of the general direction such legislation might take.

Expansion of apprenticeship opportunities within the framework of existing legislation

(1) Greater use of mass media should be made to persuade employers and labor organizations to employ apprentices. Mass media should also be used more effectively to acquaint the public with apprenticeship and the services provided by the Bureau of Apprenticeship and Training and State Apprenticeship Agencies.

(2) Apprenticeship, or some comparable training arrangements, should be developed in additional occupations, including clerical occupations, selling, retailing, or similar occupations in the distributive field.

(3) Greater emphasis should be given to the community approach in developing apprenticeship programs. Greater efforts should be made to stimulate pride in craftsmanship by working with community service organizations, chambers of commerce, local trade associations, labor organizations, and other community groups. Area-wide committees should be set up in more occupations to sponsor apprenticeship and training.

(4) Sponsors of apprenticeship programs should reexamine apprenticeship standards to find what adjustments might be made to encourage the expansion of apprenticeship. This appraisal should include a review of the apprentices wage scale, content of related instructions, the journeyman-apprentice ratio, and the term of apprenticeship in relation to the age of apprentices.

Promoting equal apprenticeship opportunity within the framework of existing legislation

(1) Additional staff members should be assigned to the promotion of equal employment opportunities in apprenticeship. BAT staff members should be selected for such assignments without regard to race. Closer relationship should be established with the NAACP, Urban League, and other organizations interested in intergroup relations.

(2) Sponsors of apprenticeship programs should establish closer relations with secondary schools. Sponsors of apprenticeship programs should be encouraged to hire on the basis of merit a considerable proportion of their beginning apprentices from the graduating classes of high schools in the community.

(3) Greater emphasis should be given to improving the selection techniques employed by sponsors of apprenticeship programs. Program sponsors should be encouraged to make greater use of the aptitude tests and other services provided by the public employment service. The feasibility of establishing in each community a central clearinghouse for information on apprenticeship opportunities should be explored.

(4) More research should be done by BAT in the participation of Negroes in apprenticeship programs. Factors that influence the extent of Negro participation should be highlighted in such studies.

(5) Qualified members of minority groups should be encouraged to apply for professional and technical positions in the Bureau of Apprenticeship and Training.

Need for new legislation

Although much can be done on the basis of existing legislation to expand apprenticeship and promote equal apprenticeship opportunities, it may be necessary to enact new laws before substantial progress can be made in this field. Some of the directions that new legislation might take are outlined below.

1. *Government contracts.*—Require employers receiving Government contracts to provide apprenticeship and training programs for their employees.

2. *Subsidies.*—Have the Federal Government undertake to pay a portion of the apprentices' wages, provided that certain criteria were met. It might also be feasible to reimburse employers or provide tax incentives to offset at least some of the expenses involved in conducting an apprenticeship program.

3. *Apprentice training centers.*—Provide training in the skilled crafts at training centers operated by the Federal Government, in cooperation with management and labor.

4. *Legislative inquiry.*—Establish a legislative commission to study problems involved in developing apprenticeship in the United States.

SACRAMENTO, CALIF., January 19, 1962.

HON. JAMES ROOSEVELT,
Member of Congress, Special Subcommittee on Labor, House of Representatives,
Washington, D.C.:

I am grateful for this opportunity to augment my statement of last October 27 before this committee on behalf of the Federal Equal Employment Opportunity Act. As I said then in Los Angeles, this legislation has my hearty and unqualified support. It is absolutely vital to the welfare and security of this Nation.

There is no question here of an untried experimental pioneering statute such as the Congress must consider from time to time. Fair employment law is today on the books of 20 States and a number of cities. In most of these jurisdictions the laws have been operative a decade, or longer. There has been ample time to observe, test, and evaluate—in the East, the Midwest and the Far West. The main conclusions are clear.

First, fair employment legislation works. It accomplishes significantly the purposes for which it is established. In California, as in the other States and cities with similar legislation, the existence of the law, with its procedures of conference and conciliation, its provision of an administering agency, and its concurrent emphasis on a program of education to reduce discriminations, has established a standard of conduct in private and public enterprise and an instrumentality to bring about adherence to that standard.

The effects in hiring and upgrading by employers, placements by employment agencies, and admission and dispatching by unions, are already evident in our State. Many employers both private and public have benefited by hiring the first minority employees they have ever had in their work force, or the first in administrative or supervisory positions. The consequences for minority workers, their families and communities are the highest radiation of our democracy.

Secondly, the typical fears and anxieties of opponents of fair employment legislation are groundless. The safeguards in the State and city enactments similar to those in the proposed Federal law, prevent abuse of powers. Employers, employment agencies, unions and individual workers learn the provisions of the law and as law-abiding persons and institutions revise their procedures when necessary.

We believe that our fair employment practice act in California has been fairly administered and has begun to produce the desired results in terms of lowering racial and ethnic barriers to equal opportunity in employment. In general, its reception by the business community by management and labor alike, has been encouraging. I commend the committee for its careful work in preparing the Federal bill so that State and municipal agencies may continue their important activity in this field. Such work would be strengthened greatly by the proposed Federal Commission.

The hour is already late. Our Nation too long has denied itself the benefits which will flow from such a law—benefits in the form of sound business practice, full manpower utilization, reduction of intergroup tensions, and a healthy recognition of the abilities and potentialities of adult and young people in every segment of the population. Full utilization of human ability and desire without regard to ethnic origin is an implicit principle of a free and democratic people. Further, healthy nations tap all resources in the struggle for continued growth and progress. There is no more important measure on which this Congress could act. I respectfully urge its prompt consideration and early enactment.

Sincerely,

EDMUND G. BROWN,
Governor of California.

CHICAGO, ILL., January 18, 1962.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
U.S. House of Representatives, Washington, D.C.:

During the past 16 years Chicago, with its own city fair employment ordinance, has learned to appreciate the value of legislation to end racial and religious discrimination in employment. In 1961 the State of Illinois enacted similar legislation to cover the State. We believe that Federal legislation to establish merit employment at all levels is necessary to complement our efforts on the city and State levels. We therefore urge Congress to pass Federal fair employment legislation.

We also recognize the fine work that is now being done by the President's Committee for Equal Employment Opportunity. We have seen the effectiveness of its work among Federal agencies in our area in improving hiring practices. Furthermore, the Committee has done excellent work with Federal contractors in persuading them to hire without regard to race, creed, color, or national origin. This is a wise use of Executive authority to accomplish fair employment.

Cooperation between city, State, and Federal Governments to insure merit employment is especially necessary in the sixties as automation continues to change the composition of the Nation's work force. An increasing number of our citizens will have to find employment in new jobs.

Mayor RICHARD J. DALY.

NATIONAL CATHOLIC CONFERENCE FOR INTERRACIAL JUSTICE,
Washington, D.C., January 17, 1962.

Hon. JAMES ROOSEVELT,
Old House Office Building,
Washington, D.C.

DEAR MR. ROOSEVELT: The National Catholic Conference for Interracial Justice, composed of 45 Catholic interracial councils in all parts of the country, wishes to go on record in favor of the proposed fair employment practices legislation.

We do not believe that the problem of merit employment can be adequately or permanently met by a Presidential Executive order. Basic permanent legislation, affecting both management and labor, is required at this time.

It is our view that fair employment legislation is mandatory because about 75 percent of the work force in the United States does not come under the influence or protection of organized labor. Although much has been accomplished by labor organizations to improve the lot of the working man and woman, there still remains a vast area of human need which requires immediate congressional action.

We would greatly appreciate it if this statement of the National Catholic Conference for Interracial Justice is incorporated in the record of your Special Subcommittee on Labor of the House Education and Labor Committee.

Sincerely yours,

JOHN J. O'CONNOR, *Chairman.*

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
January 22, 1962.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: When Mr. Herbert Hill, labor secretary of the NAACP, testified on January 15 before your subcommittee, on the proposed Federal Equal Employment Opportunity Act, he asked and received permission for the association to submit additional views based on an analysis of the proposed legislation.

Attached hereto is a memorandum setting forth these views.

Sincerely yours,

J. FRANCIS POHLHAUS,
Counsel, Washington Bureau.

FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT

The following comments are submitted on the Federal Equal Employment Opportunity Act now pending before the special subcommittee of the House Committee on Education and Labor. These suggestions are offered in an effort to strengthen the bill in a manner which we believe will best fit it to accomplish its principal objective—the elimination of employment discrimination because of race, color, religion, or national origin.

(1) We see no need for the proposed exemption of employers with fewer than 100 employees during the first year, 50 during the second, and 25 thereafter. If the act is to establish a national policy, it should apply without limitation based on size of the business establishment.

(2) The exemption of public employment agencies from the act would greatly reduce its effectiveness. Testimony taken during the hearings on the bill indicate that public employment agencies in some areas are among the worst offenders in continuing the practices of employment discrimination. By exempting them, the groundwork is laid for evasion by employers who may seek to avoid compliance with the law.

In the context of the bill and the testimony taken before the subcommittee, "public employment agencies" refer almost exclusively to the various State employment services.

Since these State employment services are financed 100 percent by the Federal Government, there can be no possible legal objection to regulation by the Federal Government. In providing such regulation Congress would be acting not only under its power to regulate interstate commerce, but in implementation of the 5th and 14th amendments.

Brown v. Board of Education, 347 U.S. 483, and subsequent cases leave no doubt that racial discrimination supported by State action is a denial of equal protection and unconstitutional. *Bolling v. Sharpe*, 347 U.S. 497, applied the same criteria to Federal action under the due process clause. Both prohibitions would be applicable to the activities of the State employment services, which are State operated and federally financed.

At least one U.S. district court has so held in enjoining discrimination by the Kansas State Employment Service. *Prior v. Polrer* (Kan., 11/27/61).

That such discrimination is practiced elsewhere has been convincingly documented by the report of the U.S. Commission on Civil Rights. See the 1961 report of the Commission, volume 3, page 233.

Both the factual and the legal circumstances establish the case for amendment of the bill to include coverage of public employment agencies.

3. As now proposed, the bill would extend to some labor unions an exemption similar to that proposal for employers on the basis of the size of membership. We see no more justification for this than for the proposed employer exemption.

4. The bill as proposed departs from the more accepted approach to the problems of discrimination by adding the factors of age and sex.

While we are opposed to discrimination of any type, we feel that the problem of discrimination based on age and sex should be considered separately. To lump them into a bill directed principally against racial and religious discrimination could divert attention from the main objectives of the bill and lead to confusion among supporters and increased opposition to the passage of the legislation.

For many years civil rights supporters have been working to create a favorable climate for the enactment of national fair employment legislation. They have created a body of opinion supporting well-defined objectives in the area of employment and have secured the backing of numerous organizations for these objectives. To add other factors to proposed legislation at this time could **disrupt the work and plans of many years standing.**

Moreover, the problems of discrimination based on age and sex are so dissimilar to those of race, religion, color, or national origin as to be best treated separately. Increasingly, specialists are being trained to handle these problems and governmental bodies are being established to deal with them. It is our belief that these developments should be encouraged, but separately from fair employment programs.

5. It is respectfully urged that the section of the bill relating to advertising be couched in affirmative rather than negative terms. Thus, instead of merely a prohibition against discriminatory advertising, a requirement of advertising on a nondiscriminatory basis would be substituted.

Legal precedent for such a requirement could be found in the recent order of the Interstate Commerce Commission concerning prohibition of discrimination in interstate motor carrier transportation, 6 Race Relations Law Reporter, 902.

Under the ICC order, bus carriers are required not only to follow a policy of nondiscrimination, but to so notify the public on tickets and by signs posted in buses and terminal facilities.

6. The bill should be clear on the authority of the proposed Commission to investigate on its own initiative not only on the basis of individual denials of rights but on the basis of patterns of discrimination. To this end it should be authorized to determine hiring practices by surveys, questionnaires, inspections, and other accepted methods of securing the required information.

It has been long recognized by those working on the problems of employment discrimination that reliance on the complaint system results in an inadequate remedy. Many of the most serious complaints are not resolved because the persons involved are fearful of reprisals or uninformed of their rights.

The complaint system never reaches the heart of the problem of discrimination, which is discrimination against a whole group or class of people. This can only be reached by a broad, companywide approach, supported by adequate investigative machinery and strong enforcement.

7. During the course of the hearings, considerable attention was devoted to the question of whether the proposed Commission would have the authority to make findings and enforce its recommendations, or whether these duties would be relegated to the courts after investigation by the Commission.

It is our belief that unless the Commission has the power to determine cases and enforce its decisions, the act will be extremely ineffective.

It has been the almost universal belief and practice that the type of proceeding here involved is an administrative one. The experience of State and local agencies operating in this area have confirmed this. Throwing this process into the already overcrowded Federal courts can only result in procedural strangulation and inordinate delay.

The objections raised to granting enforcement powers to the proposed Commission can only be those which have been raised against any type of administrative regulation of business. The experience of the National Labor Relations Board, the Interstate Commerce Commission, Federal Trade, Federal Power, and Federal Communications Commissions, and other regulatory agencies demonstrates that the administrative procedure is workable in the control of problems of interstate commerce.

Congress has provided under the Administrative Procedure Act protection for those persons subject to administrative regulation.

To single out fair employment legislation as requiring a different and more complicated procedure can only result in a less workable and effective type of enforcement than is provided under other Federal regulatory acts.

7. An amendment to extend the authority of the Commission to employment training programs financed or otherwise assisted by the Federal Government would greatly strengthen this legislation. This could cover vocational and apprenticeship training, vocational rehabilitation, on-the-job training, retraining of displaced employees and any other program that has as its objective the placement of the trainee in useful employment.

As in the case of the employment services, the legal authority for this is clear. The Federal contribution to these programs is such that a denial of equal benefits based on racial, religious, color, or national origin considerations amounts to a denial of due process.

This has already been recognized by some Federal agencies, which have prohibited discrimination in some of the existing programs. For example, the offices of Vocational Rehabilitation and Education have by regulation prohibited discrimination in vocational programs assisted by Federal funds. (45 C.F.R. 10218 and 401.14 (2).)

Unfortunately these regulations are ineffective due to lack of enforcement machinery.

The extension of the authority of the proposed Commission to include such programs would cure this deficiency in enforcement of existing regulations and would apply on a national basis the Federal program of nondiscrimination.

STATEMENT OF AMERICAN VETERANS COMMITTEE (AVC)

Mr. Chairman and members of the subcommittee, AVC is an organization composed of veterans of the last three wars. As members of the Armed Forces of this country, we fought to preserve the basic rights of our citizens. We believe that the way in which this Nation protects and advances the civil rights of all our people will greatly affect our national defense, our relations with our allies and friends throughout the world, and our national safety against totalitarian aggression.

Our national defense cannot be accomplished solely by building up our arsenal of guns, bombs, missiles, planes, and submarines. We must also have the support of freedom loving people, both here and all over the world.

When we fail to protect the civil rights of our citizens, we hand to the skilled Russian propagandists one of their strongest weapons in this struggle for the minds and loyalty of men.

The legislation being considered by this subcommittee is therefore of vital importance, not merely to minority groups who are the victims of discriminatory employment practices, but also to our entire Nation.

The right to work is the right to live. Without adequate opportunity to earn decent wages and salaries, no person can get decent education, decent housing, adequate recreation, or other essentials of modern life.

Although there has been substantial progress in the past few years in reducing racial and religious discrimination, everyone knows that there are still vast amounts of discrimination in employment based on race, religion, color, national origin, or ancestry. Such discrimination is completely indefensible. It is immoral. It is contrary to our democratic institutions. It reduces our economic progress. It impedes our national defense. It harms our international relations. It is bad for our country.

Legislation to remove discrimination in employment is no longer a novel proposal. More than a score of States and many of the large cities in our Nation have already enacted such legislation. Over 70 million Americans now live in jurisdictions which are subject to such laws. The accumulated experience under these statutes and ordinances have proven that discrimination in employment can be effectively reduced through legislation, and that such legislation is widely accepted by the public, by management, and by labor.

Many State and local antidiscrimination commissions now operate under laws which emphasize conciliation and persuasion but have the ultimate sanction of legal enforceability. Their quiet successes have shown that this is the best kind of legislation for combatting organized discrimination in employment.

Discrimination in employment cannot, however, be eliminated solely through State and municipal laws. The ramifications and complexities of industrial employment, and the great impact of discriminatory employment practices upon the economy and well-being of our country, clearly require Federal legislation to apply to employers who engage in commerce across State lines or affect interstate commerce.

Federal legislation against discriminatory employment practices should deal not only with refusals to hire but also with underutilization of manpower. For example, there are many industries where Negroes are widely employed, but are relegated to menial tasks regardless of their training, experience, or potentialities.

The evil effects of such discrimination are enormous. It reduces earnings and productivity. Wage rates become depressed. As buying power is reduced, business and sales decline. Less tax revenue can be collected and the tax burden on the rest of the population is increased. Great amounts of talent and skills are wasted. Families are disrupted as wives and children go to work at unrewarding jobs to supplement meager family incomes. Children drop out of school and incentives for self improvement vanish.

In sum, discrimination is bad for the entire community, for business, and for the Nation.

We hope that this subcommittee will recommend legislation to establish a strong and vigorous equal employment opportunity commission to utilize the techniques of conciliation, persuasion, studies, investigations, and education efforts to combat discrimination in employment. In addition, the legislation should provide for civil enforcement by court order in those few cases where persuasion fails to obtain voluntary compliance from employers in ending discriminatory practices. Without the ultimate sanction of court enforcement,

the other efforts of the Commission would operate like an automobile which has only half of its motor cylinders working—it would move, maybe, but not very well.

We believe that every employer should abide by the American principle of equal opportunity, irrespective of how many employees he has. It is important, however, to concentrate on the discriminatory practices prevalent among companies employing more than just a few persons. Accordingly, we would not object if the legislation proposed by this subcommittee restricts the operation of the Commission to employers having 25 or more employees.

There can be no question that this legislation is entirely within the constitutional power of Congress. It is similar to many other types of legislation which have outlawed discrimination against workers, such as the protective laws for women, the child-labor laws, wage and hour legislation, the national labor relations laws, etc. All of these laws were enacted despite the objection that they were contrary to the mores and traditions and prejudices of the people. Yet, such legislation changed those attitudes and mores.

Much of the discrimination that exists today continues through inertia. When the law establishes a policy of nondiscrimination, it will remove the fears, which some businessmen profess, of adverse customer reaction or exploitation by competitors, and will thus encourage employers to eliminate discriminatory practices voluntarily.

We hope that this subcommittee will promptly recommend enactment of a strong bill to assure equality of opportunity in employment for all Americans in every occupation subject to the legislative power of Congress.

Thank you.

U.S. SENATE,
January 30, 1962.

HON. ADAM CLAYTON POWELL,
*Chairman, Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Permit me to take this occasion to express my support for the Federal Equal Employment Opportunity Act as favorably reported by the Special Labor Subcommittee and now pending before your full committee.

Since I first came to the Congress in 1949 I have pressed for adoption of legislation to prohibit discriminatory employment practices based on a person's race, color, religion, or national origin. There can be no excuse for denying a fellow American a job because of the color of his skin, the place where he worships, or the country of his descent. Yet, unfortunately, millions do find job opportunities closed to them for these very reasons. This is a basic denial of freedom totally out of character in an open and free society.

There are those who argue that we cannot legislate against prejudice, that this is a matter that can only be corrected through the educational process. It is true that legislation won't remove prejudice from a person's mind, but it can and does stop discriminatory actions. Fair employment practices legislation has worked in countless cities and States—including my own home city of Minneapolis and State of Minnesota. And I am convinced it will work as well on the national level, too.

The fine work being done by the Committee on Equal Employment Opportunity illustrates what can be done in this area. Much of the credit for the constructive work of this Committee goes to its Chairman, Vice President Lyndon Johnson. With a minimum of fanfare and through the use of good judgment and common sense the Vice President's Committee has made exceptional progress in the short period of its existence in eliminating discriminatory employment patterns both in and out of Government.

If we truly believe in liberty and in the dignity of man, then we as legislators have a duty to see that our Government assures each and every American that discriminatory employment practices will no longer be permitted to bar them from positions to which they are entitled on the basis of their abilities, training, and skills. The only valid test for employment in America is whether or not a person has the qualifications to perform a given job.

The legislation pending before your committee, and similar legislation which I have offered in the Senate, seeks to help bridge the gap between our stated American ideals and the shameful practice of discrimination in employment.

Your committee deserves to be commended for giving this bill its attention. I know of no bill before a congressional committee that is more important or more deserving of our support. Let me assure you of my wholehearted cooperation in pressing for enactment of this worthy measure.

Best wishes.

Sincerely yours,

HUBERT H. HUMPHREY.

THE STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, January 31, 1962.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
House of Representatives, Washington, D.C.*

DEAR REPRESENTATIVE ROOSEVELT: In 1959 the State of Ohio established an Ohio Civil Rights Commission in order to insure that fair employment practices would be granted to all our citizens. The authority of this commission was expanded in 1961 to include jurisdiction over public accommodations.

The law governing the establishment of the commission and its authority has been administered effectively and has been well received by the people of the State of Ohio. For these reasons I believe it is necessary that similar legislation in areas within Federal jurisdiction be enacted by the U.S. Congress to complement our State legislation.

It is my understanding that the chairman of the Ohio Civil Rights Commission will furnish you with the specific comments of that commission regarding the proposed Federal legislation.

Sincerely,

MICHAEL V. DiSALLE, *Governor*.

CITY OF PITTSBURGH, January 18, 1962.

HON. JAMES ROOSEVELT,
*Chairman, Special Committee on Labor,
House of Representatives, Washington, D.C.*

DEAR MR. ROOSEVELT: The city of Pittsburgh has had an enforceable fair employment practices ordinance since 1952. We have found that this measure has been an effective means of bringing about an orderly change in employment practices to the benefit of business and industry as well as to minority group individuals.

It is my understanding that your committee is now preparing a bill for introduction during the 2d session of the 87th Congress to prohibit discrimination in employment in certain cases because of race, religion, color, national origin, ancestry, age, or sex. Personally, and on behalf of my administration, I want to express hearty approval of this renewed effort to secure a long-awaited, urgently needed Federal fair employment law.

Members of my staff have had an opportunity to study the working draft of this bill. It is apparent that your committee has taken care to review the past experience of State and municipal commissions and this is reflected in the excellent provisions included in the bill. I am pleased that you have provided for cooperation with State and municipal agencies which also have enforcement powers for I believe that this is the most effective way of dealing with the problem of discrimination.

Traditional patterns of exclusion of certain minorities from many categories in employment has deprived us of much needed manpower. It has also had a deleterious effect upon minority youth and resulted in lack of incentive to secure the needed education and to be good citizens generally.

Employment discrimination is part of a vicious cycle which leads to other forms of discrimination and segregation; therefore, elimination of employment discrimination is essential to the elimination of segregation in the United States.

It is my hope that this session of Congress will take affirmative action and enact this measure into law. Now is the time.

Very truly yours,

JOSEPH M. BARR, *Mayor*.

CITY OF KANSAS CITY, MO., January 19, 1962.

Congressman JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, House Education and Labor Committee,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: The Kansas City Commission on Human Relations is on record as being in favor of the principle of fair employment legislation. We favor a reasonable FEPC law with enforcement powers, and urge your committee to permit the Members of Congress to consider and vote on such legislation without undue delay.

Because of administrative, time and financial limitations, our commission cannot present oral testimony on this matter.

Sincerely,

ROBERT T. ADAMS, *Executive Secretary.*

COMMUNITY & SOCIAL AGENCY EMPLOYEES UNION,
LOCAL 1707, AFSCME, AFL-CIO,
New York, N.Y., January 19, 1962.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor of the House Education and Labor Committee,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: We are respectfully enclosing a statement adopted by Local 1707, Community & Social Agency Employees Union on a bill to establish a Federal fair employment practices law.

May we request that this statement be read and incorporated in the body of the hearing record.

Respectfully yours,

ALVIN CHENKIN, *President.*

HILDA SIFF, *Executive Director.*

STATEMENT OF LOCAL NO. 1707, COMMUNITY & SOCIAL AGENCY EMPLOYEES UNION,
AFSCME, AFL-CIO

Local No. 1707, Community & Social Agency Employees Union, is a local union composed of members of all races, religions, and nationalities. It is the policy of this union through its standing committee on civil rights and its executive board to combat discrimination wherever it exists—on the job, in the classroom, or in the community.

We have attempted in our contractual relations with our employers to institute nondiscrimination clauses barring discrimination in hiring, upgrading, or conditions of employment. Through educational campaigns conducted in our union we have attempted to alert our membership to the dangers of discrimination. We have done this not through abstract talks about equality but by example as a union and in our day-to-day work.

As a union which organizes workers of social agencies and community organizations, we deal with firms that generally maintain enlightened employment policies. Many of the firms with which we negotiate are exempt from the provisions of the New York State Fair Employment Practices Act but aware of their social responsibility. They have hired workers in many categories without regard to race, religion, or national origin. However, even these enlightened employers have been guilty of discrimination in hiring for professional, supervisory, and administrative positions.

There are in the New York area members of minority groups qualified for employment in a variety of professional and skilled jobs who have been unable to find employment because of discrimination. We have evidence of Negro college graduates working as elevator operators and maintenance men. Can America truly be called the land of opportunity when millions of Americans are denied their God-given rights because of the color of their skin, or their place of worship, or their country of origin?

As a trade union, we are conscious as other segments of the American economy of the need for full production and for the efficient use of our Nation's resources. Discrimination and the denial of opportunities to certain groups of Americans is not only wasteful and inefficient but results in less production and a lower standard of living for all of us.

Among our members are social workers who daily witness the results of discrimination. The Negro, who is "last hired and first fired," is hardest hit in periods of recession. At the present time, Negro unemployment, is double that of white unemployment. Because of job discrimination, there is a greater proportion of disease, delinquency, and crime among these discriminated against. It is clear that without the opportunity to make a living many other rights are denied: decent housing, decent education, and decent medical care.

Clearly, the most direct method of ending widespread employment discrimination is the passage of a Federal Fair Employment Practices Act. Passage of such legislation is long past due. Fifteen and a half years have elapsed since the final report of the Fair Employment Practices Commission was issued June 28, 1940. This wartime FEPC, established in 1941, made a number of observations in its final report which are worth recalling at this time:

The majority of all discrimination cases can be settled by informal negotiations.

When the National Government makes clear that its authority will be exercised against offenders, discriminatory practices are the more quickly ended.

Community educational efforts on racial problems are essential though different situations cannot be resolved by education alone.

The plea of prevailing social patterns is no excuse for entrenched discrimination.

A public hearing is essential toward ending discrimination where negotiation has failed.

No device will solve the problem short of the enactment by Congress of Federal fair employment legislation.

A year later in 1947, President Truman's Committee on Civil Rights in its report to the President also recommended the enactment of a Federal Fair Employment Practice Act prohibiting all forms of discrimination in private employment based on race, color, creed, or national origin. It pointed out that the provisions of such a law should include both educational machinery and legal sanctions. For enforcement purposes, the administration of the act should be placed in the hands of a commission with power to receive complaints, hold hearings, issue cease and desist orders, and seek court aid in enforcing these orders. The act should contain definite fines for the violation of its procedural provisions and should apply to labor unions and trade and professional associations as well as to employers.

We feel that even 15 years later, these guidelines are still applicable. The key to an effective law is in its enforcement provisions. This has been learned from observation of the various State fair employment practices laws. Where enforcement is clearly spelled out and followed through, dramatic progress has been made in changing patterns of discrimination.

It is our sincere hope that an effective Federal fair employment practices law will be enacted this year and that Congress will recognize its responsibility in righting the grievance wrongs which are daily being committed by the denial of equal job opportunities.

STATEMENT OF HON. CARL ELLIOTT, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF ALABAMA

Mr. Chairman, I sincerely appreciate this opportunity to give my views on the equal employment opportunity legislation now under consideration by this subcommittee.

I view this bill as another attempt at so-called civil rights legislation, similar in design to the previously defeated Federal Fair Employment Practice Acts of years gone by, and I oppose it. I have opposed it in the past. I opposed it, as H.R. 4468, of the 81st Congress in 1950. I oppose it today.

I oppose this legislation for several reasons. First of all, the scope of this bill is clearly unconstitutional. It wrests from the hands of the State and local authorities the constitutionally guaranteed power to police. It invades the right of the State to provide for the public morals, welfare, safety, and health of its citizens. It insinuates that sovereign States do not have the legal machinery nor take the moral responsibility to insure to their citizens the equal protection of the law. This assumption is patently false.

Second, the bill seeks to invade the personal conscience of any employer whose business affects commerce and who employs, ultimately, 25 or more persons. It would, by its terms, place on a small businessman, who chose a friend or neighbor for employment, let us say over a member of a minority group, the

burden of proving that his motive was not one to discriminate. It would deprive such a businessman of his right to be free in the conduct of his business affairs. It would deprive him, for instance, of the right to select his small staff of employees on the combined bases of optimum skill, teamwork, and congeniality.

Finally, Mr. Chairman, I believe it is clear that underlying this legislation is an attempt by certain regions of our country to impose their standards and mores on another region. But I would suggest that the proponents of this bill have an imperfect understanding of the problems of my section of the country—the South.

I would say that no man of good will could claim that the condition of the Negro in America is what it might be. His condition could be, and should be, improved upon in every section of the country. And no man knows that better than the southerner. But it is also true that the Negro has experienced, over the past three generations, great strides of progress, both intellectually and economically.

I say that the proponents of this bill view the problems of the South imperfectly. While we of the South can share their goals, we cannot share their methods. These methods were conceived in the big city, by cosmopolitan and urban minds. Shock troops and mass demonstrations and massive, sweeping legislation all have the thrust and pneumatic punch designed to influence the city dweller who is used to the quick and restless pace, the big noise and the great power of city life. These are the tools of the city and perhaps they will work there.

But these tools, these methods, first bewilder and then anger the southerner.

The South was late to enter the industrial period of development in our country. Big cities are just beginning to emerge. The backbone of the South is still the small town or community. Ours is an area which is largely rural and often depressed by labor surplus. In my congressional district of Alabama, for instance, seven of the nine counties have been certified by the Area Redevelopment Administration as depressed areas and the remaining two are now under study.

Mr. Chairman, my district and my State have been characterized largely by mutual trust, confidence, friendliness, and cooperation between the two races. I would venture to say that there are more acts of good will between the white and colored people every day in Alabama than in any big northern city. But today, the big city tactics are bringing to the South a kind of pressure which makes it impossible for us to work out our problems. No one can solve problems with a gun pointed at his head—or a bayonet at his throat. These tactics bring with them much suspicion, and much fear.

This legislation is not enlightened to the problems of the South. It seeks to force the kind of relationship and association for which the members of neither race are ready and which neither race wants.

Certainly there exists a problem. No one denies that. But the proponents of this and similar kinds of legislation fail to understand that it is a southern problem and one which the South must solve for itself and without the intervention of misunderstanding northern cities.

For these reasons, Mr. Chairman, I must oppose the Federal Equal Employment Opportunity. Thank you very much.

STATEMENTS OF HON. JEFFERY COHELAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, it is a great pleasure for me to express my support for the measure which your committee is presently considering; a measure which would further prohibit discrimination in the matter of employment.

As you know, last year I introduced legislation in the House to establish a Fair Employment Practices Commission; legislation designed to carry out the important pledge of the 1960 Democratic Party platform to secure for everyone in this country of ours the right to equal opportunity for employment.

Mr. Chairman, I believe that there is no more important problem confronting us today than to insure that all Americans—regardless of their race, religion, ancestry, age, or sex—have equal opportunities for equal treatment. In brief, to carry out the fundamental pledge of America that all men are created equal.

There can be little question that during the past year we have taken constructive steps forward to insure equal opportunities in employment. Presi-

dent Kennedy's Executive order on March 6 banning discrimination within the Federal Government and establishing the President's Committee on Equal Employment Opportunities has already begun to make its mark, as the members of this committee so well know.

Twenty-two States, including my own State of California, have already established fair employment practices commissions of one type or another, and in many of these States constructive action of a substantial nature has been taken.

This does not mean, of course, that our task is completed. Many persons are not covered by the actions taken to date, and in many cases the action taken is insufficient. A gap between our goals and our realizations continues to exist, and in the rapidly changing world which we live in today, the demand to close it is more urgent than ever before.

Mr. Chairman, several important points have been established as the result of the hearings conducted by your committee this last fall:

1. Employment discrimination of some type exists in almost every industry; discrimination not only regarding initial employment but advancement opportunities as well;
2. Employment discrimination adversely affects nearly 50 percent of our Nation's population;
3. Employment discrimination unquestionably contributes to our ever mounting welfare assistance costs.

In California, over 1,380 complaints and requests for investigation of alleged discrimination in employment have been filed since the State's Fair Employment Practices Commission Act was signed by Governor Brown in April of 1959.

A distinguished member of the California Commission, C. L. Dellums, has pointed out to me that of the first 921 cases in which a determination was made as to whether or not discrimination had occurred, unfair employment practices were corrected in 334 cases, or 36.2 percent. The other 587 cases were dismissed, although as Mr. Dellums pointed out, in a great number of these cases, conference and educational contacts brought about a greater awareness of the problems and available solutions in the area of employment discrimination.

California has benefited from the existence of its State FEPC in many ways. Employers, employment agencies, unions and workers are influenced in their practices by the mere fact that there is a law. Investigation and conciliation of cases has brought certain direct results. Education, for its part, is beginning to create a truly favorable atmosphere for equal opportunities. Involved here is not only majority acceptance, but incentives, efforts, and qualifications on the part of minority people as well.

Mr. Chairman, I am justly proud of the progress which the California Fair Employment Practices Commission has made in reducing employment discrimination in my State during its short period of existence. It is obvious, however, that even if FEP commissions operated in every State, which of course they do not, that there would still be an essential gap and role for a Federal Equal Employment Opportunities Commission to fill. I am referring obviously to our ever-increasing percentage of interstate commerce which must, of necessity, be dealt with on a national level. Even on the intrastate level, as members of the California FEPC have emphasized, Federal legislation would be beneficial. I am pleased to see, however, that this committee has made it very clear that in States where there are effective FEP commissions, the Federal Commission would defer to the State body.

One final point needs to be made. As my good friend, the noted Governor of California, Pat Brown, has stated: "There is no question here of an untried, experimental, pioneering statute such as the Congress must consider from time to time. Fair employment law is today on the books of 20 States and a number of cities. In most of these jurisdictions the laws have been operative a decade or longer. There has been ample time to observe, test, and evaluate and the main conclusions are clear.

"First, fair employment legislation works. It accomplishes significantly the purposes for which it is established * * *.

"Second, the typical fears and anxieties of opponents are groundless. The safeguards in State and city enactments, similar to those in the proposed Federal law, prevent abuse of powers."

Mr. Chairman, this is vitally important legislation which your distinguished committee is now considering. It is consistent with the principles upon which

our country is based. It is consistent with the principles which we hold high to our world, and I urge you not only to approve it but to press forward with all of your vigor for its enactment.

CITY OF PHILADELPHIA,
January 25, 1962.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House Office Building, Washington, D.C.*

DEAR CONGRESSMAN ROOSEVELT: Through Mr. Schermer, director of the Philadelphia Commission on Human Relations, I have been kept fully informed of the progress of your subcommittee in drafting a Federal equal employment opportunities bill. I understand from Mr. Schermer that the draft bill is a good one, and that there is every reason why I, as mayor of Philadelphia, should endorse the bill and urge its support.

As you know, the city of Philadelphia adopted a fair employment ordinance in 1948, one of the first in the country. In 1952, under the provisions of the Philadelphia Home Rule Charter, a city commission on human relations was established. Among its chief functions has been the administration of the Fair Employment Practices law and the promotion of equal employment opportunities. That law and the Pennsylvania Fair Employment Practices law, which was adopted in 1956, have proven to be of tremendous economic and social benefit to all the citizens of our city and State.

We believe that Federal guarantees to equal employment opportunity are essential to the continued economic growth and development of the Nation's economy. Justice demands that no citizen be handicapped by the accident of color, religion or national origin.

Mr. Schermer tells me that he hopes the provisions for cojurisdiction with the State and municipal agencies will be more explicitly stated than now appears in the draft of the bill. Except for that reservation, I heartily endorse the bill and urge that every possible effort be taken to press for its adoption.

Please keep us advised of hearing dates and of the progress of the bill so that we can lend our support in the most effective manner.

Sincerely,

RICHARDSON DILWORTH.

STATEMENT OF THE UNITED STATES SECTION, WOMEN'S INTERNATIONAL LEAGUE
FOR PEACE AND FREEDOM

The Women's International League for Peace and Freedom reaffirms and reiterates its longstanding position on the necessity for the proposed legislation of Representative Roosevelt. We strongly endorse such legislation, because we are dedicated to the ideals of peace and freedom. One without the other cannot be meaningful.

There is nothing more basic to peace and freedom than the right to work. We are aware that this basic right is denied to millions of American citizens for no other reason than because of their race or color. More must be done to right this wrong.

The Federal Government can do a great deal in this field of civil rights. Our Government has done much but apparently not enough. A few concrete suggestions follow:

1. The Federal Government can amend the National Labor Relations Act so as to deprive labor unions of their certification as representatives of employees if they discriminate against workers because of race or color. It is well known that some labor unions make it impossible for Negroes to enter certain trades or crafts, or if they do enter, to keep them in the lowest levels of employment. Discrimination based on race should be prohibited.

2. Many Negroes are prevented from employment because they are deprived of schooling and apprenticeship training. Without adequate preparation they cannot qualify for such trades. The Federal Government should withhold all support from schools which practice racial discrimination.

3. The Federal Government spends billions of dollars in contracts to private industry for defense and other public works. Antidiscrimination provisions exist in many of these contracts. But it is well known that these are not strictly enforced. The Federal Government has the means of enforcing these

provisions. Whether generated by the employer or labor unions, discrimination in carrying out Government contracts must not be tolerated.

4. The U.S. Employment Service is supported by Federal funds. The committee has heard extensive testimony on how discrimination is practiced by this agency, directly or indirectly. The Federal Government can do much to stop this abuse at the beginning of the hiring process.

The Women's International League for Peace and Freedom realizes that this is just a beginning. But if our Government can prevent discrimination in this basic right, other abuses, such as housing, will also diminish. We, therefore, commend the chairman and members of the Special Subcommittee on Labor of the House of Representatives for their efforts for this beginning. We hope the Members of Congress will be wise enough to give them support by voting for a bill embodying these provisions.

STATEMENT OF AMERICAN CIVIL LIBERTIES UNION

Congress has an obligation to insure that all citizens should have equal rights in employment in interstate commerce. This principle should apply to employers and associations of workers alike so that the protection of Federal law may be extended to the right to work on the basis of ability of individuals regardless of race, religion, color, national origin, or ancestry.

The principle has been tested by the wartime Federal agency (FEPC) and by the experience of at least 20 States, including the largest industrial States. The operation of the State statutes has won over to the side of fair employment practice some of its most vigorous opponents. Fears of coercive measures against employers have been shown to be unfounded. Such measures have not been necessary to secure compliance. General recognition of the justice of fair practice is in the spirit of the times. Even the fears of coercion in the South are unfounded in the light of methods used both by the Federal Government in wartime and by the States.

The chief objection to such a bill is apparently that an employer's relationship with his employees is a private matter not subject to regulation by the State in hiring or promotion. But Congress has already legislated in regard to private employment in many ways. It has regulated collective bargaining and the closed shop. It has assumed under the interstate commerce clause wide powers over employing policies.

The proposed bill would not compel any employer to hire any particular person. It would ban only the practice of discrimination based on religion, color, national origin, ancestry, by employers and labor unions alike.

The charge that the bill is an interference with States' rights is answered first, by the fact that the Supreme Court can be trusted to protect these States' rights guaranteed by the Constitution, and secondly by the fact that States' rights are protected by the bill's omission of employers not engaged in interstate commerce or in operations not affecting interstate commerce. Thus, if a State desires to deal with discrimination, it may.

The charge that the compulsory features of the bill is unfair is without merit. The Commission must investigate charges of discrimination, and if it finds probable cause it must then follow the methods of conference, conciliation, and persuasion. It cannot be too strongly emphasized that in the States in which FEPC has already been in operation for a substantial length of time, there has been few instances—less than two dozen out of several thousand—in which these informal methods have failed to remedy the complaint. Compulsion is necessary behind any law. If informal methods do not work, what form would compulsion take? A full hearing must be held before the Commission, in which the employer has the fullest opportunity. If the Commission deems the employer guilty of discrimination, it issues a cease and desist order, which may be enforced only upon petition to the courts, and the courts under certain conditions may order that additional evidence be taken. After such full and fair procedure, an employer's freedom to hire, but not to discriminate, could not be in the least impaired. If it is argued that it is difficult to determine discrimination, the answer is that all courts and administrative agencies must and do determine more difficult factual questions. The very difficulty of proving discrimination would insure that no one will be unjustly held guilty by the Commission or by the courts.

The interest of the ACLU as a national agency of 41 years' record in supporting for everybody the principles of the Bill of Rights, also lies in the extension of those rights to industry. It is not enough to urge equality before the law in

political rights regardless of race, religion, color, national origin or ancestry; the principle is valid for our democracy as applied to a man's right to equality in employment.

Federal law alone can fix fair standards for the Nation. Federal law alone will serve notice to the world that our democracy means in fact what we profess in principle.

Mr. ROOSEVELT. Now I wish to announce that the record will be kept open until February 1 for the acceptance of other material and statements from any other individuals or organizations who are interested in submitting such statements.

(Whereupon, at 12:05 p.m., the committee adjourned, subject to the call of the Chair.)

APPENDICES

APPENDIX A

SUPPLEMENTARY STATEMENTS ON OLDER WORKER PROBLEMS

STATEMENT OF THE DEPARTMENT OF LABOR REGARDING EMPLOYMENT DISCRIMINATION BECAUSE OF AGE

We are happy to have this opportunity to review with your committee some of the problems and facts relating to age discrimination in employment.

We in the Department of Labor know that senior citizens have been and are now making important contributions to the economic and cultural growth of this Nation. Nearly 40 percent of the American labor force is age 45 and over. Workers in this age category are well represented in all of the major fields of activity in our economy—in the sciences, professions, arts, as craftsmen, production and service workers, and in the sales and clerical fields.

An examination of the performance of these workers, through a number of factual studies, reveals their productivity, job attendance, safety record, reliability and job interest to be at least on a par with and in some respects superior to workers in the younger age brackets.

Despite this demonstrated record of achievement and contribution, the senior citizen in search of a job often finds himself turned down arbitrarily because of his age. It is understandable that a jobseeker may not have the required experience, skill, training, or physical capacity to perform the duties of a given job. But when any consideration of these factors are pushed aside and an arbitrary time boundary, often set at 45 or 40, becomes the test of a worker's ability, then this deprives citizens of the opportunity for economic independence and dignity and becomes a drag on the economy as a whole.

That this situation occurs frequently is evident in the many letters we receive monthly from workers all over the Nation.

More precise evidence of the extent and nature of age discrimination in employment is contained in a number of formal studies conducted by this Department. State employment security agencies, leading universities, and employer associations. Many of these studies and their implications have been highlighted by such congressional committees as the Senate Special Committee on Aging and at the historic White House Conference on Aging in 1961.

The following is a capsule summary of the most significant studies and surveys:

In a 1956 Department of Labor study, 58 percent of all job openings studied in five cities had restrictive age requirements. In 1961, the study was repeated in the same cities and showed a composite of 39 percent with age restrictions. While this represents a significant drop during the 5-year period, the fact remains that in these cities, two out of every five job openings continue to have some age restriction attached to them.

In 1960, at least 10 State employment security agencies gathered data on age restrictions in connection with their participation in the 1961 White House Conference on Aging. These studies showed a variable picture from State to State, ranging from a low of 28 percent of job openings with age restrictions to a high of 64 percent.

Earlier, in 1958 and 1959, a large national management association in the clerical field undertook identical surveys in several States including, New York, Texas, and California. These studies, relating to the hiring of older workers for office jobs, showed that in each area, at least 40 percent of the surveyed firms had age limits of 50 or lower. In several areas, the percentage was much higher.

The University of California, in 1959, surveyed a sampling of firms in the San Francisco area. The great majority reported that they had upper age limits in hiring either through formal policies or through less formal practices.

An earlier study by the same group had found that more than three-fifths of the companies surveyed had set up age limits in hiring.

Additional evidences are found in the employment and unemployment statistics compiled by this Department. In December 1961, among the long-term unemployed—those unemployed for 27 weeks or longer—men aged 45 and over constituted a significantly larger proportion of this group than they are represented in the labor force as a whole—35 percent versus 26 percent.

Likewise, among the beneficiaries of temporary extended unemployment compensation, a group sharing the common problem of long-term unemployment, workers age 45 and over represented 45 percent of the total in October 1961.

The evidence thus points strongly to the existence of common practices in hiring which discriminate arbitrarily against the over-40 worker. The net effect is individual and family hardship and a reduction of our available manpower resources.

Unfortunately, the problem appears to be growing more acute as we move through this decade of change.

For many in their forties and fifties work careers are being interrupted by the economic cycle, automation, plant movements, and mergers. Long-term unemployment thus created, in addition to its immediate economic impact, continues to plague the individual right up to and including retirement by reducing his work credits and pension income. Coupled with this is the steady erosion of skill and spirit, losses which are not measurable in economic terms alone.

Certainly, attempts are being made to develop new and upgrade old skills through training programs for workers in redevelopment areas under the Area Redevelopment Act and one out of seven trainees at this early stage of the overall program is age 45 and over. Selection to approved ARA training programs are being made by the State employment service without regard to age.

But to what avail will this be if, even with a newly acquired skill, such individuals are arbitrarily barred and never given an opportunity to prove themselves. The proposed manpower development and training bill is intended to establish needed training on a much broader scale. This effort will be seriously diluted if the over-40 trainee is unacceptable after completing training merely because of his age.

Some concrete measures have been taken to deal with this problem.

The Department of Labor has conducted extensive educational campaigns to discourage employment discrimination because of age and to encourage enlightened hiring practices based on ability and capability.

It has established specialized services to aid in job placement of older workers through public employment offices in every State.

It has carried on research and encouraged and worked with others on a variety of studies to secure and to disseminate objective information on the job performance of over-40 workers.

It has worked with unions, gerontological groups, employers, civic organizations, associations of older people, and other Federal and State agencies to develop new and improved educational and service programs.

Further, certain administrative actions have been taken within the Department of Labor which have a bearing on its services to older workers. In April 1961, the Secretary of Labor established within the Department an Office of Automation and Manpower and an outside Advisory Committee of experts from management, labor, and the public. The Office is not only engaged in studying the impact of automation on the labor force, it is also attempting to anticipate where and when technological change will occur so that steps can be taken to minimize unemployment. Steps have been taken to make services available to management and labor which would result in employee transfers from jobs being eliminated to newly created jobs. In this way some unemployment may be avoided with many in the upper age brackets being likely to benefit from these preventive measures.

In addition to existing Federal legislation directly related to employment of the older worker, at least 15 States have passed age antidiscrimination laws. Although the effect of State laws in reducing discrimination has been difficult to measure, some tentative observations can be made at this time.

Based on the available data, relatively few complaints have been filed by workers. The great majority of complaints have been settled by discussion with the parties involved.

It appears that there has been general improvement in the climate of acceptance of older workers for job vacancies. Mention of age in newspaper advertising

has been virtually eliminated. At the same time, specific opportunities for interviews and presentation of qualifications by the older worker have improved with consequent increased chances for employment.

Such laws also serve as an expression of public policy with the risk of adverse public relations to violators.

Those involved in the administration of these laws are in general agreement that such laws need to be reinforced with a broad educational and promotional program directed at employers and the general public. We fully support this view.

In summary, it appears that one of the major problems with which this Nation must cope in developing its manpower resources is the problem of discrimination in employment. Age discrimination is but one facet, although an important one.

This administration strongly believes that our Nation cannot tolerate the reckless waste of manpower which results from such discrimination. Although significant progress has been made during the past 5 years in breaking down age barriers to employment, it is clear from the facts presented in this statement, and those available to this Department and your committee, that the problem still exists.

You may be assured that this administration will continue to take every possible measure to further expand the employment opportunities of our middle-aged and older workers.

STATE OF OREGON, BUREAU OF LABOR,
February 8, 1962.

Mr. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor, U.S. House of Representatives,
Washington, D.C.*

DEAR MR. ROOSEVELT: This is a response to your letter of February 1 in which you asked Mr. Mark Smith of our civil rights division to furnish data pertinent to Oregon's age discrimination laws. Inasmuch as Mr. Smith does not administer the Oregon age discrimination laws he has referred your letter to this division for reply. I shall endeavor to answer your questions to the best of my ability.

Oregon laws provide for complete separation of the agencies that administer laws relating to the traditional civil rights problems (intergroup relations involving race, national origin, and religion) from the administration of laws prohibiting age discrimination in employment. Therefore, the Oregon Bureau of Labor has separate divisions for the administration of these laws, namely: the civil rights division which employs sociologists who are specialists in intergroup relations; and the senior worker division which employs social scientists who are specialists in the field of gerontology, psychology, labor economics, finance, and human relations. The problems connected with eliminating and preventing discrimination in employment because of age involve complex questions on insurance and pensions, labor contracts, personnel management principles, counseling procedures and individual differences, and the determination of the "right age," when it begins and when it ends.

The States which have added "age" to their antidiscrimination laws have found that they have had to hire a separate staff for the specialized duties in treating the problems of older workers. Therefore, it is urged that adequate provision be made for such need in any Federal laws enacted to prohibit age discrimination in employment.

Probably the basic difference is that age discrimination arises out of economic ignorance while the traditional areas of civil rights discrimination seems to result from bigotry.

Now after a lengthy introduction, I shall endeavor to answer your questions.

(1) Are age discrimination laws more difficult to enforce than are the traditional civil rights laws?

Answer. A thorough discussion with Mr. Mark Smith of the civil rights division on matters involving enforcement leads me to say that the enforcement of both laws are equally difficult. Enforcement provisions are an absolute necessity in either type of discrimination. We apply the following principle to our administration of these laws, namely: "If the employer can be educated on the economic values of individually considering each applicant who approaches him for a job; and, if a 'good' man and a 'qualified' man can gain an interview, the

employer will hire him." The enforcement provisions in our laws are in reality the "key" to the "employer's" door for both the individual and this educating agency; without the enforcement provisions little could be accomplished.

(2) Can you, further, point to instances of conspicuous success in widening the opportunities of older people?

Answer. Definitely. Please, may I now refer you to the enclosed copies of our July 1, 1961, report "Senior Worker Problems as They Relate to Oregon." Part III of that report indicates positive results realized thus far in Oregon.

Subsequent to the publication of the above-mentioned report, we have received more than 60 additional complaints relating to age discrimination—all have been thoroughly investigated and resolved, with about the same results as stated on page 11 of the report.

It is strongly recommended that any laws passed at national level relating to age discrimination specifically prohibit all offices of the U.S. Public Employment Service from "screening out" employment applicants solely because of age. In this regard, I invite your attention to part IV of the enclosed report, and the enclosed verifax copy of a letter received in our office this date, from an older worker—we often hear the same story from most older workers with whom we have contact. I should comment at this time that the Oregon State Employment Service is a separate State agency and is not a part of the Oregon Bureau of Labor.

I have also enclosed some verifax copies of the résumés prepared by individuals who have been turned away by employers because of their age—it is interesting to note that the youngest (age 28) is a graduate of Stanford University with an MBA degree, he was told that he was too old to enter a manager trainee program in the field of finance—we have had others at age 28. All of these individuals are personable, articulate, neat and well dressed, and a check of their references revealed that their character and performance was above average—they were unemployed due to mergers, business failures, reorganizations, and layoff due to lack of business.

We feel that we have made some progress in eliminating age discrimination from employment in Oregon, but the problem extends beyond the boundaries of our State—it is a national problem of grave economic nature.

Sincerely,

RAY A. ZIEGLER,
Director, Senior Worker Division.

LOS ANGELES, CALIF., November 9, 1961.

HON. JAMES ROOSEVELT,
Member of Congress, Los Angeles, Calif.

DEAR MR. ROOSEVELT: A recent article in the Los Angeles Times was gratifying to read—it concerned the meetings you held recently in the Federal Building with a committee investigating discrimination in employment.

I am a white person. Therefore, the discrimination about which I am most concerned is that against age. Many of us are hoping that the Congress will take action which will force employers into using fairer methods when hiring than now exist.

From June 16, 1960, until a few days ago (to October 31, 1961) I held a responsible position as executive secretary in the new and expanding electronics field at a salary of \$500 per month. Then, on October 17, I was informed that "we've had several meetings and we desire some changes in personnel, so it will probably be to your best interests to look for other work." I was never given a reason for the termination. All my friends and the outside contacts I had made are puzzled and shocked at my termination. Suffice it to say that the new wife of the plant manager (she is 34) now is there.

Having reached that unmentionable and unforgiveable old and decrepit age of 49, I suspect that my age finally came to light. It is a young and growing company, and they have a policy of trying not to hire beyond the age of 30. There was no complaint as to my work; they just felt "it was for my own good to look for work with an older, established firm, with older men, less pressure, where it would be quieter," etc., etc. I joined this company after several other (and in fairness to me—younger) girls had not filled the bill in a short period of time. They needed me the worst way those first few months, and did not then question my age. During my employment with this company, I worked 252½ hours of overtime, for which I did not receive any extra pay, but only compensa-

tory time (hour for hour) for 231 hours; when I left October 31, I had 21 hours for which I had received nothing.

My immediate superior, the president of the company, said that due to my background and experience and training, I should not have any trouble in finding another equally satisfactory job. But little does he apparently know (or care) what I am up against, when 85 percent of all ads for the good positions specify an age barrier of, say, up to 35, and oftentimes, 30. So, it seems that I have been "let out to pasture" at a time when there is such a need everywhere for proven, competent persons, and when I feel I am doing my best work. We older, more mature employees have so much to offer a company. Besides my experience in private industry, I had 10 years service in the diplomatic field in Foreign Service and 6½ years of civil service in Washington.

Mr. Roosevelt, anything you and your committees can do to help bring about much-needed laws to prevent discrimination due to so-called age will be much appreciated by me and countless others like me who also must eat and live. We are behind your efforts 100 percent.

Respectfully,

Miss A. RUTH GREEN.

APPENDIX B

SUPPLEMENTARY STATEMENTS—LOS ANGELES POST OFFICE

U.S. POST OFFICE,
Los Angeles, Calif., December 6, 1961.

HON. JAMES ROOSEVELT,
*House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN ROOSEVELT: I appreciate very much your sending me the transcript of the testimony of Perry C. Parks, Jr., and Oscar H. York, both employees of the Los Angeles Post Office, who appeared before your subcommittee when you were holding hearings in Los Angeles. I am also appreciative of the opportunity to insert this letter in the record.

It is unfortunate, indeed, that the only Los Angeles Post Office employees invited to testify were two disgruntled employees who are the type of extremists President Kennedy deplored on his recent visit here. It would appear that the sole purpose of these two men is to stir racism in a place where it has not existed and to poison the minds of other Negroes with continual cries of discrimination. Since there are more than 10,500 employees in this office, the testimony of these two constitutes a very small sampling of opinion.

I emphatically deny that discrimination against the Negro race, or any other minority group, exists in the Los Angeles Post Office, nor will I countenance discrimination of any nature.

There are actually two promotional plans in the Post Office Department. The first plan establishes a supervisory eligibility roster. The first examination was held in 1953 and these examinations are held approximately every 2 years. When first established, postmasters were permitted to pick anyone on the eligibility list. To accomplish fair and equitable selection of the best qualified, this office obtained evaluations from two of each eligible's immediate supervisors, and careful consideration was given to their selection. When the present administration came into power, the system of selection from the entire register was changed so that the order of consideration depended upon the score made in the examination, plus credits for years of service and work evaluation.

The other plan involves the promotion to higher level or preferred assignments of persons who are already in supervisory positions. This plan originated in the Los Angeles Post Office and has been in effect during my entire tenure of office. It received commendation from postal supervisors in every section of the country, and was widely acclaimed as being a fair plan for promotion. In some highly political offices in other sections of the country, it was considered utopian. The National Association of Postal Supervisors adopted resolutions commending me at State and National conventions, and their national magazine carried an honor-roll of other post offices which adopted the plan. After 8 years of operation in the Los Angeles Post Office, Postmaster General Day adopted the plan this year and made it a regulation of the Post Office Department on a nationwide basis. The whole purpose of the plan was to make promotions of the best qualified persons without regard to color, religion, political affiliation, or national origin. I am

satisfied that this has been achieved, and the great majority of our supervisors believe this, too.

While the entire testimony of the two employees is fraught with half-truths, misstatements and falsehoods, I shall elaborate on only a few of the items:

(1) Mr. Parks stated that of three Negro women appointed to supervisory positions, two of them were appointed through the efforts of the National Alliance of Postal Employees and Joseph Clarke, a Negro who was Special Assistant to an Assistant Postmaster General during Mr. Summerfield's administration of the Post Office Department. This statement is false. No person has ever been promoted during my tenure of office through influence of special interest groups, and Mr. Clarke never made any request for the promotion of any Negro woman. To set the record straight, Mr. Clarke did ask me to promote Perry C. Parks, Jr., but I could not conscientiously do so. All appointments to supervisory positions in this office are based on merit, and the guiding factor is the evaluation made by the employee's immediate supervisor.

(2) Mr. Parks stated that one Negro woman supervisor is a Phi Beta Kappa. This statement is false. Examination of the personnel records fail to reveal a Phi Beta Kappa among the Negro women supervisors, and I doubt that this information would be the kind anyone of them would conceal. No reference has ever been made by any of the Negro women supervisors on applications for promotion indicating she was a Phi Beta Kappa.

(3) Mr. Parks made an issue of the Negro employee who was No. 13 on the supervisory eligibility list but failed to attain a promotion. What Mr. Parks did not say was that he, Perry C. Parks, Jr., was No. 13, that he had been interviewed by two separate promotion panels, one of which had a Negro member, and failed to gain their approval. He also did not say that he was frankly informed by the panels that he was a below-average employee, and he failed to acknowledge that the panels picked five other Negroes for promotion.

(4) Mr. Parks stated that 40 people were interviewed to select 6 persons for promotion, and that the 40 had to be interviewed in order to reach down to persons acceptable to the panelists. This statement is false. Actually, a number of persons eliminated themselves by refusal to accept night work, which is office policy for beginners, and others in the Postal Transportation Service were eliminated by a departmental ruling restricting their promotions to their own branch of the Service. In all matters of promotion, the Postmaster General's orders are adhered to with meticulous care, and Mr. Parks was grasping thin air when he made the charge.

(5) Mr. Parks stated that one other person who suffered discrimination was a Jew. Mr. Parks was not present when that person was interviewed and, therefore, could not know that the other person was pointedly asked if he felt he could assume the duties of management, and he replied that he doubted that he could.

(6) Mr. Parks stated there were no Negro supervisors in a position higher than PFS-11, and there were no Negro supervisors in our general accounting section. While this is true at the moment, there had previously been two Negro supervisors in general accounting. One was required to return to the Division of Mails because of lack of seniority during a reduction in force in general accounting. The other bid into a higher position in the Division of Mails, eventually became third in command, a PFS-13, in that Division. This year, Postmaster General Day selected him to be a Deputy Assistant Postmaster General, and he holds this position in the Department in Washington.

The other person to give testimony was Oscar H. York. At the time of his appearance before the committee, he was under charges because of continued absenteeism and tardiness, and was undoubtedly venting his anger. His testimony was so nebulous that I find nothing worthy of comment.

While it did not appear in the testimony, he was also angered at being denied permission to attend school under the GI bill, as he did not meet the basic requirement of the Post Office Department that an employee requesting such permission must have been on the rolls before entering the military service. Mr. York entered the postal service on November 1, 1940, resigned April 30, 1947, and later met the requirements through a civil service examination and reentered the service on March 21, 1949.

It should be pointed out that it requires a considerable length of time to attain top ranking in the postal service. Most of our executives in the Los Angeles Post Office have from 30 to 45 years of service. The Negro mentioned before, who is now Deputy Assistant Postmaster General, entered the Los Angeles Post Office on May 11, 1923. He was the first Negro in this office ever to be appointed a supervisor and that was in 1935.

The great influx of Negroes into the Los Angeles Post Office did not begin until after World War II and the fact that we now have 82 Negro supervisors in levels from PFS-7 to PFS-11 would indicate that the Negro has made marked progress in the Los Angeles Post Office. While the Negro deplors the slow progress, so do hundreds of employees of all other races. At the present time, there are in excess of 800 eligibles on the supervisory promotion register, and some 600 supervisors in this office.

The Los Angeles Post Office is reputedly a garden spot for persons of minority groups. Here they know that equal opportunity exists, and that advancement is made upon the basis of merit performance.

The Los Angeles Post Office ranks high in efficiency. My own personal reputation for fair dealing over a period of more than 40 years in the business, civic, and cultural world of Los Angeles is not a responsibility that I take lightly, and I certainly would never take any action to jeopardize it.

Sincerely,

OTTO K. OLESEN, *Postmaster.*

NATIONAL ALLIANCE OF POSTAL EMPLOYEES,
Los Angeles, Calif., January 1, 1962.

Mr. JAMES ROOSEVELT,
*Congressman, House Office Building,
Washington, D.C.*

DEAR SIR: I am enclosing some additional material which I hope will be of some help in your investigation.

(1) I am sending this copy of the agenda which was used in a conference with representatives of the Civil Service Commission. This will point up some areas in which investigations may prove revealing. Mr. Peter Resty made the investigations for the Civil Service Commission. His entire report on the Los Angeles Post Office's personnel practices should prove interesting.

(2) Statement made to the postal inspectors by Henry Gibson, president of the Los Angeles Branch of the National Alliance of Postal Employees and myself on the Monday, October 30, following the Los Angeles hearing October 27.

(3) List of promotions for years 1958, 1959, and 1960, with a recap on last page showing ethnic breakdown. I have not completed the analysis as yet.

(4) List of applications for promotion of George Roscoe Jones, a man who has the seniority, qualifications, and has many times seen men with less seniority and qualifications promoted over him. This is just a sample others are available if you need them.

(5) This letter indicates the decision reached by the regional office after a discussion with Mr. Albert Bergesen, regional personnel director, Roy Hogan, special assistant for employee relations, Henry Gibson, president, Los Angeles Branch of National Alliance of Postal Employees, and myself. We feel that the parts of the report which were sustained indicate incompetence and inability to follow instructions.

(6) This statement by Mr. Smith, president of National Alliance Postal Employees, supports our statement at the hearing. Mr. Smith's address is 1644 11th Street NW., Washington 1, D.C.

(7) Letter from Postmaster Olesen in answer to my letter requesting specific reasons in detail as to why I was passed over for promotion, inasmuch as the first letter was vague and not to the point. This letter is still not specific, the main point was that they felt that my voice is too low. The assistant general superintendent of mails stated that I did a disservice to the post office by testifying before the committee, that I should have squashed such beliefs rather than expose them. He further stated that he knew discrimination existed some years back, but there was none now.

I have been interviewed twice for promotion, once before the hearing and once after. In the first instance I was interviewed for about 5 minutes, and in the second, for 1 hour. We feel that a look at the records of the promotion Advisory Board will produce some revealing facts.

This letter indicates that no consideration was given to the evaluation by my immediate supervisor, my rating on the examination and 24 years of seniority.

It is hoped that this information will be of some help and if there is any thing I can do just let me know.

Sincerely yours,

PERRY C. PARKS, Jr.,
Welfare Director.

AGENDA: MEETING WITH REPRESENTATIVES OF CIVIL SERVICE COMMISSION AND REPRESENTATIVES OF NATIONAL ALLIANCE OF POSTAL EMPLOYEES

The purpose of this meeting is to bring into focus some of the areas in which personnel management as practiced in the Los Angeles Post Office may be improved, so that the operation of the office may be carried on under conditions satisfactory to management and employees.

- I. Selection process of new employees.
 - A. Lack of training of interviewers.
 - B. Interviewers not representative.
 - C. Rule of one in three.
- II. Employee development.
 - A. Maintenance Department.
 1. Failure to train old employees.
 2. Favoritism in promotions.
 3. Lack of a comprehensive training program.
 - B. Clerical.
 1. Preferred assignments issued without uniformity.
 2. Clerk-stenographer positions should be bid within the office before outsiders are brought in off the list.
 3. Lack of knowledge of personnel with special talents.
 4. Special talents in office not utilized.
 - C. Supervisors.
 1. Talents and skills of supervisors are not utilized to the best interest of the service.
 2. Establish relations with universities so as to develop a formal training program.
 3. Encourage participation in professional societies.
- III. Promotion plan.
 - A. Elimination of the review board.
 1. Too subjective.
 2. Negates the validity of the written examination and the performance evaluation as well as seniority.
 - B. Assign weights to the decision of the board.
- IV. Staffing the personnel section.
 - A. Personnel office understaffed.
 - B. Lack of professional training by members of staff.
 - C. Lack of coordination between personnel office and operational personnel practices at terminal annex.

NOVEMBER 3, 1961.

STATEMENT OF LOS ANGELES BRANCH, NATIONAL ALLIANCE POSTAL EMPLOYEES, REGARDING DISCRIMINATION IN LOS ANGELES POST OFFICE

It is the belief of this organization that there is discrimination in the allotment of preferred assignments and in the promotion to supervisor as well as the upgrading of supervisors.

The offense is one of omission rather than commission.

A survey of the various stations in the city will reveal that Negro supervisors are assigned to stations in predominantly Negro communities. In bidding on these assignments, a pattern has developed which shows that when

there is a number of years of service on the part of the applicant, he is not suitable; and, on the other hand, when the applicant is highly qualified, it is stated that he does not have the seniority.

At terminal annex, where the bulk of the employees work and an overwhelming majority of the employees are Negro, there are only two level 9 supervisors out of a total force of 24 or over, and above level 9 there are none.

In the specialized offices such as personnel, general accounting, postal services, cost ascertainment, there are no Negroes. This is not because they are not qualified, for a comparison of the qualifications of these holding the positions and the Negroes applying, will show that the Negro has the higher qualifications.

In the mechanical unit where 75 percent of the employees are Negro, there is only one supervisor.

An example of the disregard for fairness is vividly shown in the case of William Gallerson, who was denied promotion to working leader of postal machine mechanics. Gallerson was No. 1 on the list. The position was given to a Caucasian, who the authorities stated was given the position because he knew electronics. Upon investigation, it was found that he not only had less seniority, but was trained by Gallerson and had received no training whatsoever in electronics. It might be just a coincidence that the person who received the appointment has a brother who is a supervisor.

The bidding records of Lucille Ashford and Roscoe Jones are examples of the well qualified, and the senior persons being denied promotion.

It is our belief that the intent of the Department is to have the best qualified person in the position and if qualifications are the same, then seniority is the deciding factor.

This policy was not carried out in the filling of the position of general clerk, foreign records unit, air mail facility, a level 5 position. Clerk Tsukahira who was No. 2 on the list according to the specifications of the job, was passed over and the No. 4 man was chosen. Clerk Tsukahira did not receive an interview, which is an indication that he was not considered. The Postal Laws and Regulations state that the person in the level nearest the position sought should be considered first. It has been reported to this organization that Mr. Stead, the superintendent, wanted the No. 4 man because he was presently working in the position on detail.

There is a general feeling in this office at the administrative level, that the post office is no place for a person with a college education. This point is exemplified in the case of Andrew Bryant, who after having been turned down on a transfer from the Atlanta Office, took the examination, was called for an interview and told that with his education he could do better outside the post office. After waiting several days, he inquired as to why he was not chosen and was told, he would never know, but he was turned down on the one out of three rule. Bryant went back to the clerk who was working on his transfer and complained of unfair treatment. He was given a temporary subclerk assignment, worked one year and was made a regular subclerk. Mr. Bryant had done graduate work at Atlanta University.

This type of philosophy not only down grades the post office but perpetuates mediocrity in the postal service.

This statement is not an attempt to accuse any particular person. As an organization, we have found that irrespective of regulations and decrees setting forth merit and ability as the basic standards for promotion and assignment, the activation and interpretation applied is often at variance with the intent. Therefore, we are hoping this discourse will help to clear the atmosphere so that the policies as presented by Postmaster General Day and the Department can be implemented in such a way that equal opportunity can exist for all.

PERRY C. PARKS,
Vice President 10th District,
HENRY O. GIBSON,

President, Los Angeles Branch, National Alliance Postal Employees.

Promotions to supervisory positions

1958

Name	Ethnic group	Date	From—		To—	
			Position	Level	Position	Level
John Bunny.....	WG	Feb. 22, 1958	Assistant superintendent of delivery.	12-3C	Superintendent of delivery.	13-3C
Herbert Carr.....	WG	Feb. 8, 1958	Carrier.....	4-7B	Foreman.....	7-2A
K. C. Clark.....	WG	do.....	General foreman.....	8-6A	General foreman.....	9-6A
Charles McCoy.....	WG	do.....	Assistant station superintendent.	8-5C	Station superintendent.	9-5C
Willis Anderson.....	WG	do.....	Fin station superintendent.	7-7B	Carrier station superintendent (assistant).	8-7B
Harry Carlson.....	WG	do.....	Foreman.....	7-7B	General foreman.....	9-4B
Theophilus Smith.....	N	do.....	Station superintendent.	9-4C	Station superintendent.	10-4C
Gerald S. Moore.....	WG	Jan. 25, 1958	Special delivery messenger.	4-6	Foreman.....	7-1
Gillis McPhee.....	WG	do.....	Station superintendent.	8-7C	Station superintendent.	9-7C
Charles Packard.....	WG	do.....	Assistant station superintendent.	7-7B	Assistant station superintendent.	8-7B
Earl Lewis.....	WG	do.....	Superintendent, schemes.	7-7C	Superintendent, schemes.	8-7C
Edward Haney.....	WG	do.....	Carrier.....	4-7B	Foreman.....	7-2B
Walter Johnson.....	WG	do.....	do.....	4-7B	do.....	7-2B
Anthony Huske.....	WG	do.....	do.....	4-7B	do.....	7-2B
Eugene Davidson.....	WJ	do.....	do.....	4-7B	do.....	7-2B
A. Howe.....	WG	do.....	Clerk.....	4-7B	do.....	7-2B
Fred Rorex.....	WG	do.....	Foreman.....	6-7B	Foreman, specifications.	7-7B
Walter Thomsen.....	WG	Dec. 28, 1957	Assistant station superintendent.	10-4C	Assistant station superintendent.	11-4C
Erwin Bode.....	WG	do.....	Station superintendent.	10-5C	Superintendent of registry.	11-5C
Arvid Maeder.....	WG	do.....	Assistant station superintendent.	9-5C	Station superintendent.	10-5C
Sidney Jeremiah.....	WG	do.....	Foreman.....	7-7C	Assistant superintendent of registry.	10-2C
Roger Anderson.....	WG	do.....	Station superintendent.	9-4C	Station superintendent.	10-4C
Tom Willis.....	WG	do.....	Foreman.....	7-7B	Assistant station superintendent.	9-4B
William Metzler.....	WG	do.....	Accounting assistant.	7-7B	Station examiner.....	8-7B
William H. Frank.....	WG	May 31, 1958	Carrier.....	4-7B	Foreman.....	7-2A
Joseph Costales.....	WG	Feb. 22, 1958	Foreman.....	7-7C	Assistant station superintendent.	8-7C
Robert W. Barr.....	WG	do.....	Clerk.....	4-7B	Foreman.....	7-2A
Albert H. Gallardo.....	WG	do.....	do.....	4-7B	do.....	7-2A
Jesse McClendon.....	N	Mar. 8, 1958	do.....	4-7	do.....	7-2
Joseph Forbes.....	WG	Mar. 22, 1958	do.....	4-7C	do.....	7-2B
Carl Neuman.....	WG	do.....	Carrier.....	4-7	do.....	7-2
Caesar Epherson.....	N	do.....	Clerk.....	4-7	do.....	7-2
Otto Lichtl.....	WG	do.....	Foreman.....	7-7B	Assistant station superintendent.	8-7B
William Condon.....	N	do.....	Assistant superintendent.	8-7B	Station superintendent.	9-7B
Henry Knerr.....	WG	do.....	Foreman.....	7-7C	Foreman, windows	8-7C
Henry Ramirez.....	WG	do.....	Carrier.....	4-7B	Foreman.....	7-2A
Fred Donaldson.....	WG	do.....	Clerk.....	4-7B	do.....	7-2B
John Suderman.....	WG	Apr. 5, 1958	Relief station superintendent.	7-6A	Assistant station superintendent.	8-6A
William Starks.....	N	do.....	Route examiner.	7-7B	Foreman, carrier.	8-7B
Harry Howell.....	WG	do.....	Superintendent of route examinations.	11-3C	Assistant superintendent of delivery.	12-3C
Raymond Waugh.....	WG	Apr. 19, 1958	Carrier.....	4-7B	Foreman.....	7-2B
Stanley Stone.....	WG	May 3, 1958	Relief station superintendent.	7-6A	Assistant station superintendent.	8-6A
Carl Adrian.....	WG	do.....	Station superintendent.	7-7B	Carrier station superintendent.	9-4B
Jesse Baker.....	WG	do.....	Foreman.....	7-6B	Station examiner.....	8-6B
Elmo Rich.....	WG	do.....	Assistant station superintendent.	8-7C	Assistant station superintendent.	9-7C
Sam Morgan.....	WG	do.....	Station superintendent.	10-4C	Superintendent of route examinations.	11-4C
Ellis Murray.....	WG	May 17, 1958	Foreman, carrier.....	7-7C	Foreman, carrier.....	8-7C

See footnotes at end of table, p. 1063.

Promotions to supervisory positions—Continued

1958

Name	Ethnic group ¹	Date	From—		To—	
			Position	Level	Position	Level
J. J. Castleton.....	WG	do.....	Assistant superin- tendent, public relations.	7-3B	Recruiting assistant.	9-1B
Joseph E. Varela...	WG	May 31, 1958	Clerk.....	4-7B	Foreman.....	7-2A
Richard Radono- vich.	WG	do.....	Station examiner.....	8-7C	Chief station examiner.	11-1C
Leroy Meeker.....	WG	June 14, 1958	Assistant superin- tendent.	6-6A	Relief station super- intendent.	7-6A
William Singleton...	N	do.....	Carrier.....	4-7B	Foreman.....	7-3A
Richard A. Phipps.	WG	do.....	Survey officer.....	9-6B	Superintendent of cost control.	11-3B
W. C. Potter.....	WG	June 28, 1958	do.....	10-3B	Chief of cost control.	13-1B
William Riley.....	WG	do.....	Foreman.....	8-7B	Assistant station superintendent.	9-7B
Harold Siebels.....	WG	do.....	Relief station super- intendent.	7-3B	do.....	8-3B
Roger Cummings...	WG	do.....	Station superin- tendent.	7-7B	Station examiner.....	8-7B
William Joffe.....	WG	do.....	Route examiner.....	7-7C	Foreman.....	8-7C
Gabriel Togneri.....	WG	do.....	Relief station super- intendent.	7-6A	Assistant superin- tendent.	9-4A
Kenneth Boynton...	WG	July 12, 1958	Clerk.....	4-7	Foreman.....	7-2
Donald J. Lucas...	WG	do.....	do.....	4-7	do.....	7-2
Jack Kromberg.....	WJ	Aug. 8, 1958	Station superin- tendent.	8-7B	Station superin- tendent.	9-7B
Ed Cane.....	WG	do.....	General foreman.....	9-4B	Survey officer.....	10-4B
E. H. Whelchel.....	WG	do.....	Safety superin- tendent.	9-3A	Safety superin- tendent.	11-1A
Artis C. Grant.....	N	Aug. 9, 1958	Carrier.....	4-7B	Foreman.....	7-2A
G. W. Chostner.....	WG	do.....	do.....	4-7C	do.....	7-2B
Jesse O. Feuer.....	WG	do.....	do.....	4-7B	do.....	7-2B
William A. Lam- buth.	WG	Aug. 23, 1958	Assistant superin- tendent.	7-7C	Station superin- tendent.	8-7C
Guy F. Van Vleet...	WG	do.....	Personnel assistant..	7-7B	General foreman.....	9-4B
Amasa Isaacs.....	WG	do.....	Foreman.....	7-6B	Foreman.....	8-6B
Roy Morton.....	WG	do.....	Assistant superin- tendent.	9-5B	Assistant superin- tendent.	10-5B
Edgar Sanmann.....	WG	do.....	Station superin- tendent.	10-4C	Station superin- tendent.	11-4C
Solomon Shebby...	WG	Oct. 6, 1958	Clerk.....	4-7C	Foreman.....	7-2A
William W. Cook...	WG	do.....	Clerk.....	4-7C	do.....	7-2A
Eldredge Patterson..	WG	Oct. 20, 1958	Accounting assistant.	7-6B	Survey officer.....	9-4B
Walter M. Thompson.	WG	Nov. 18, 1958	Carrier.....	4-7C	Foreman.....	7-2B
Alvin F. Fowler.....	N	do.....	Clerk.....	4-7	do.....	7-2
Charles G. DeLancey.	WG	do.....	Foreman.....	7-7C	Assistant station superintendent.	8-7C
Alfred Klein.....	WG	do.....	Clerk.....	4-7	Foreman.....	7-2
Luther O. Tucker...	WG	do.....	Foreman.....	7-7B	General foreman.....	9-4B
Walter J. Brown...	WG	do.....	Assistant station superintendent.	8-5C	Assistant station superintendent.	9-5C
James E. Dobey....	WG	do.....	Foreman.....	7-7B	Superintendent of claims.	8-7B
John H. Owens.....	N	Nov. 29, 1958	Carrier.....	4-7	Foreman.....	7-2
Donald Mueller.....	WG	do.....	Foreman.....	7-7B	Assistant station superintendent.	8-7B
Verdell A. Jones....	N	do.....	Assistant station superintendent.	7-7C	Station superin- tendent.	8-7C
Thomas A. Wilson...	WG	Nov. 15, 1958	Clerk.....	4-7	Foreman.....	7-2E
Walter A. Hunt.....	N	do.....	do.....	4-7	do.....	7-2
Roy H. Nelson.....	WG	do.....	do.....	4-7B	do.....	7-2A
Nish Nalbandian...	WG	do.....	do.....	4-7B	do.....	7-2E
O. Dale Cook.....	WG	Dec. 27, 1958	do.....	5-7B	do.....	7-4B
Everett E. Travis...	WG	do.....	do.....	4-7	do.....	7-2
Earl Bordner.....	WG	do.....	Foreman.....	7-5C	General foreman.....	9-3C
Guy F. Van Vleet...	WG	do.....	General foreman.....	9-4B	Superintendent transportation.	10-4B
Rudolph E. Meyer...	WG	Feb. 21, 1959	Foreman.....	7-7C	Foreman.....	8-7C
William P. Mother- head	WG	Mar. 7, 1959	Carrier.....	4-7C	do.....	7-2B
J. J. Castleton.....	WG	do.....	Recruiting and ex- amining assistant.	9-1B	Executive secretary, civil service.	10-1B
Irving G. Foster.....	N	Apr. 4, 1959	Foreman.....	7-7B	General foreman.....	9-4B
Harold J. Simpson...	WG	do.....	General foreman.....	8-7B	do.....	9-7B
J. McGeachy.....	WG	May 16, 1959	do.....	9-7C	Assistant tour su- perintendent.	11-4C
T. Bryant.....	WG	July 11, 1959	Scheme examiner.....	5-7C	Foreman.....	7-4B

See footnotes at end of table, p. 1063.

Promotions to supervisory positions—Continued

1958

Name	Ethnic group ¹	Date	From—		To—	
			Position	Level	Position	Level
R. F. Hanley.....	WG	do.....	Foreman.....	7-5C	General foreman.....	9-3C
J. J. La Teer.....	WG	do.....	Carrier.....	4-7C	Foreman.....	7-2B
D. P. McCracken.....	WG	do.....	Station examiner.....	8-7B	Superintendent of financial records and reports.....	9-7B
F. P. Freeman.....	WG	do.....	Relief station superintendent.....	7-7B	Assistant station superintendent.....	8-7B
C. R. Anderson.....	N	do.....	Carrier.....	4-7B	Foreman.....	7-2B
N. S. McCleery.....	WG	do.....	Clerk.....	4-7B	do.....	7-2Z
A. L. Cornelius.....	WG	July 25, 1959	Assistant station superintendent.....	9-5C	Station superintendent.....	10-5C
J. A. Stafford.....	WG	do.....	Foreman.....	7-7C	Assistant superintendent registry.....	10-2C
J. Kohler.....	WG	Aug. 8, 1959	Carrier.....	4-7C	Foreman.....	7-2B
A. R. Sobel.....	WG	do.....	Clerk.....	4-7	do.....	7-2
J. C. Talamon.....	N	do.....	Assistant station superintendent.....	8-4A	Assistant station superintendent.....	9-4A
A. P. Felch.....	WG	do.....	do.....	7-7B	Station examiner.....	8-7B
A. Stead.....	WG	do.....	General foreman.....	9-7B	Superintendent	11-4B
J. Vaccariello.....	WG	do.....	do.....	9-6B	Chief.....	10-6B
L. H. Sherman.....	WG	Aug. 22, 1959	Clerk.....	4-7	Assistant superintendent Chief.....	7-2
E. S. Cane.....	WG	do.....	Survey officer.....	10-6B	Foreman.....	11-6B
T. Hogans.....	N	Sept. 5, 1959	Foreman.....	7-7B	Chief methods and standards officer.....	8-7B
R. L. Wyckstand.....	WG	do.....	Foreman.....	7-7B	Assistant standards superintendent.....	7-2
P. A. McCarthy.....	WG	do.....	Clerk.....	4-7	Foreman.....	9-4C
W. W. Flannagan.....	WG	do.....	Carrier.....	4-7	General foreman.....	7-2
P. M. Aubry.....	N	do.....	Clerk.....	4-7C	do.....	7-2C
C. T. Rand.....	WG	do.....	Carrier.....	5-7B	do.....	7-4B
H. D. Milan.....	N	do.....	do.....	4-7C	do.....	7-2B
W. H. Burke.....	WG	do.....	Clerk.....	4-7C	do.....	7-2B
J. Meiers.....	WG	do.....	Carrier.....	4-7B	do.....	7-2B
O. Hylton.....	N	do.....	do.....	4-7B	do.....	7-2B
A. Savolan.....	WG	do.....	Carrier.....	4-7B	do.....	7-2B
J. C. Cain.....	WG	do.....	Clerk.....	4-7B	do.....	7-2B
W. W. Alban.....	WG	do.....	do.....	4-7B	do.....	7-2A
B. N. Burch.....	WG	do.....	do.....	4-7A	do.....	7-2A
V. E. Berry.....	WG	do.....	do.....	4-7B	do.....	7-2A
M. F. Veith.....	WG	Sept. 19, 1959	Foreman, AMF.....	7-7B	Tour superintendent, AMF.....	9-4B
E. Patterson.....	WG	do.....	Survey officer.....	9-5B	Methods and standards officer.....	10-5B
S. Villa.....	WG	Oct. 3, 1959	Carrier.....	4-7B	Foreman.....	7-2B
E. O. Sturgis.....	WG	Oct. 17, 1959	Foreman.....	7-7C	General foreman.....	9-4C
R. Potter.....	WG	Oct. 3, 1959	Clerk.....	4-7C	Foreman.....	7-2C
S. A. McPherson.....	N	Oct. 17, 1959	do.....	4-7C	do.....	7-2B
E. Hering.....	WG	Oct. 3, 1959	Carrier.....	4-7	do.....	7-2
L. Carey.....	WG	do.....	Clerk.....	4-7B	do.....	7-2B
T. Furumura.....	JP	Oct. 31, 1959	Carrier.....	4-7B	do.....	7-2A
A. T. Isaacs.....	WG	do.....	Foreman.....	8-7B	Assistant station superintendent.....	9-7B
C. A. Williams.....	WG	do.....	do.....	7-7B	Foreman, carriers.....	8-7B
B. Siegel.....	WJ	Nov. 14, 1959	Clerk.....	4-7B	Foreman.....	7-2A
S. Smoodin.....	WJ	do.....	do.....	4-7B	do.....	7-2A
D. P. McCracken.....	WG	Nov. 28, 1959	Superintendent of financial records.....	9-7B	Chief, general accounting.....	12-1B
A. H. Nelson.....	WG	do.....	Trans. specialist.....	7-7B	Methods and standards officer.....	10-2B
D. W. Mueller.....	WG	do.....	Assistant station superintendent.....	8-7B	Station superintendent.....	9-7B
S. F. Wirth.....	WG	do.....	do.....	7-7B	Station examiner.....	8-7B
J. B. Monico.....	WG	do.....	Training assistant.....	7-4B	Foreman, carrier.....	8-4B
V. Stambach.....	WG	Dec. 26, 1959	Superintendent of supplies.....	8-7B	Superintendent of financial records.....	9-7B
C. R. Weatherly.....	WG	do.....	Assistant station superintendent.....	8-5B	Station superintendent.....	9-5B
B. Liebowitz.....	WJ	do.....	Relief station superintendent.....	7-7B	Assistant superintendent.....	8-7B
B. Erickson.....	WG	Jan. 9, 1960	Carrier.....	4-7B	Foreman.....	7-2A
F. Alessi.....	WG	Jan. 23, 1960	do.....	4-7B	do.....	7-2A
A. B. Williams.....	N	do.....	Clerk.....	4-7A	do.....	7-2A
H. M. Lyon.....	WG	do.....	Scheme examiner AMF.....	6-7B	do.....	7-7B

See footnotes at end of table, p. 1063.

Promotions to supervisory positions—Continued

1958

Name	Ethnic group ¹	Date	From—		To—	
			Position	Level	Position	Level
G. French.....	WG	Feb. 20, 1960	General foreman.....	9-7B	Assistant superintendent of postal service.	10-7B
W. H. Jackson.....	N	do.....	Route examiner.....	7-7C	Assistant station superintendent.	8-7C
L. V. Halvorsen.....	WG	Mar. 5, 1960	Claims clerk.....	5-7B	Postal service representative.	6-7B
J. R. Compton.....	WG	do.....	Assistant superintendent.	8-7C	Station superintendent.	9-7C
I. R. Stewart.....	WG	Mar. 19, 1960	Foreman.....	7-5B	General foreman.....	9-3B
M. H. Shores.....	N	do.....	Clerk.....	4-7B	Foreman.....	7-2A
R. C. Higgins.....	WG	do.....	do.....	4-7B	do.....	7-2B
H. C. Anderson.....	WG	Apr. 2, 1960	Survey officer.....	10-4B	Chief survey officer.	11-4B
R. E. King.....	WG	do.....	Relief station superintendent.	7-6B	Assistant station superintendent.	8-6B
W. L. Ricks.....	N	Apr. 30, 1960	Clerk.....	4-7	Foreman.....	7-2
E. E. Andrews.....	WG	Aug. 6, 1960	Assistant station superintendent.	10-7C	Station superintendent.	11-7C
N. T. Voll.....	WG	do.....	Assistant tour superintendent.	11-5C	Tour superintendent.	12-5C
G. B. Graham.....	WG	do.....	Assistant station superintendent.	8-7C	Station superintendent.	9-7C
J. W. Baker.....	WG	Oct. 1, 1960	Station examiner.....	8-7B	Superintendent, windows.	9-7B
C. E. Wilson.....	WG	Aug. 6, 1960	Relief station superintendent.	7-7B	Station examiner.....	8-7B
C. J. Drake.....	WG	do.....	Assistant station superintendent.	7-7C	Station superintendent.	8-7C
L. Newman.....	WG	Aug. 20, 1960	Foreman.....	8-7C	Assistant station superintendent.	10-4C
H. Lyon.....	WG	do.....	do.....	7-7B	Station examiner.....	8-7B
E. Mason.....	N	do.....	Route examiner.....	7-7B	Assistant station superintendent.	8-7B
E. O. Sturgis.....	WG	Sept. 3, 1960	Foreman.....	7-7C	General foreman.....	9-4C
J. H. Hardy.....	WG	Sept. 17, 1960	Assistant station superintendent.	10-6C	Station superintendent.	11-6C
R. K. Clements.....	WG	do.....	Foreman.....	7-6C	Foreman, windows.	8-6C
W. Cole.....	WG	do.....	Foreman, mechanic.	8-5B	General foreman.....	9-5B
B. Scott.....	WG	do.....	Carrier.....	4-7B	Foreman.....	7-3B
M. R. Dennis.....	WG	Oct. 1, 1960	Clerk.....	4-7B	do.....	7-3A
J. F. Sheehy.....	WG	do.....	Assistant station superintendent.	9-7C	Assistant station superintendent.	10-7C
J. H. Williams.....	N	Oct. 15, 1960	Clerk.....	4-7A	Foreman.....	7-3A
E. J. Shellhorn.....	WG	Oct. 2, 1960	Station superintendent.	8-7B	Assistant superintendent.	9-7B
F. Lofchie.....	WJ	do.....	Foreman.....	7-5B	Tour superintendent, AMF.	9-3B
K. G. Gingerich.....	WG	do.....	Carrier.....	4-7A	Foreman.....	7-3A
L. M. Neely.....	WG	do.....	Foreman.....	7-7B	General foreman.....	9-4B
C. C. Lampert.....	WG	do.....	Clerk.....	4-7C	Foreman.....	7-3C

¹ WG—white Gentile; WJ—white Jewish; N—Negro; JP—Japanese.

NOTE.—Breakdown of promotions is as follows:

	Pro-motions	WJ	N	JP	WG
1958.....	93	3	11		79
1959.....	59	3	8	1	47
1960.....	36	1	6		29
Total.....	188	7	25	1	155
Percent.....			13.3		82.5

GEORGE ROSCOE JONES

Foreman of mails, level 7; office seniority, November 1, 1927; supervisory seniority, July 16, 1949.

Mr. Jones worked for 15 years at stations in every capacity from dispatcher to clerk in charge. He has had extensive experience in the registry section, classifications, and in every phase of mail at terminal annex.

He has submitted the following bids for promotion and has been turned down on all of them:

February 16, 1958: General foreman of mails, level 9.

July 7, 1958: General foreman of mails, level 9.

August 3, 1958: General foreman of mails, level 9.

October 20, 1958: Superintendent of transportation, level 10.

November 3, 1958: General foreman of mails, level 9.

November 14, 1958: General foreman of mails, level 9.

December 10, 1958: General foreman of mails, level 9.

December 30, 1958: General foreman of mails, level 9.

July 13, 1959: Station examiner, level 10.

August 10, 1959: General foreman of mails (tour 2 or 3), level 9.

August 27, 1959: Tour, superintendent, air mail field.

September 9, 1959: General foreman of mails, level 9.

February 25, 1960: General foreman of mails (tour 2 or 3), level 9.

August 4, 1960: Assistant superintendent, main office station.

August 4, 1960: Assistant superintendent, Vernon Branch.

May 12, 1961: General foreman of mails, level 9.

September 21, 1961: General foreman of mails, level 9.

October 25, 1961: General foreman of mails (tour 2), level 9.

The above denials of bids refutes the statement that there is a lack of seniority. Mr. Jones has been given no reason why he has been repeatedly denied promotions.

POST OFFICE DEPARTMENT,
SAN FRANCISCO REGIONAL OFFICE,
San Francisco, Calif., December 18, 1961.

Mr. PERRY C. PARKS, Jr.,
Los Angeles, Calif.

DEAR MR. PARKS: This letter is in reply to your letter of October 23, 1961, and the conferences held with you on December 7, 1961, by the regional personnel manager and the special assistant for employee relations concerning your failure to obtain a promotion at the Los Angeles Post Office.

The following conclusions were reached:

1. It was agreed that the promotional procedures were being properly followed by the postmaster, Los Angeles. However, it was ascertained that an error was made in the letters sent to the unselected candidates in which it was stated that 19 names were certified to the postmaster for selection of eligibles to fill the supervisory positions being considered. The postmaster admitted that this was an error and has taken immediate action to correct this statement. A careful review by the regional personnel manager of the records indicated that the postmaster had received only 6 names for 6 promotional vacancies. Actually, he should have received 8 names, but 2 of the 8 were not available.

2. The point you raised concerning interviewing 40 eligibles for 6 positions was carefully reviewed. Actually, out of the number of 40, many of the candidates declined consideration for promotion due to not desiring to be on a specific shift where the vacancy existed, and for other reasons. Some of the candidates were ineligible because they were mobile unit employees. A review indicated that the provisions in the Postal Bulletin of May 25 were being adhered to in that 9 names for the first vacancy and 2 names for each additional vacancy were being properly certified to the promotional board for interview.

3. You contended that the postmaster was not following the provisions of section 716.242b, which states that eligibles who are in the highest level below the position to be filled should be considered first. Our review indicates that the postmaster has been following this requirement.

4. Your statement that there is only one representative of an ethnic group on the promotional board was correct. Careful consideration is being given by

the postmaster to assure that proper representation on promotional boards is afforded for all groups.

5. Your contention that performance evaluation, seniority factors, and your written score in the examination should be the only criteria considered in making supervisory selections has been given careful consideration. This matter has been discussed in the past, and is being referred to the Department for their further consideration.

6. Your contention that the letter received from the postmaster, dated October 30, advising you as to why you were not selected for a supervisory position was not specific has been sustained. It was agreed that you would address another letter to the postmaster in which you would ask that he advise you specifically the reasons why you were not selected and also advise you what you could do to correct the supposed deficiencies.

We can assure you that this office insists on complete compliance by all postmasters with the promotional program established by the Postmaster General and that under no circumstances whatsoever will any discriminatory practices be tolerated. Our review of the promotional program at the Los Angeles Post Office reveals that no discriminatory practices were involved. It was mutually agreed by you and Mr. Gibson, president of the Los Angeles local of the alliance, that the allegations submitted by you have been satisfactorily resolved.

Sincerely yours,

F. RAY HOGAN,
Special Assistant for Employee Relations
(For Raymond R. Holmquist, Regional Director).

DECEMBER 20, 1961.

Mr. ALBERT G. BERGESEN,
Regional Personnel Manager,
San Francisco Regional Office,
San Francisco, Calif.

DEAR MR. BERGESEN: At 1.30 p.m. on Tuesday, December 12, a conference was held in the office of Los Angeles postmaster, Mr. Otto K. Olesen.

Present at this conference were the postmaster, Mr. Dunavant, his personnel officer, finance officer, Mr. Huber, Mr. Henry C. Gibson, of the Los Angeles Branch, National Alliance of Postal Employees, Mr. Perry Parks, branch welfare chairman and vice president of district 10, National Alliance of Postal Employees, and myself.

The chief subject of the conference was the validity or invalidity of the September promotion of six persons to supervisory positions in the Los Angeles Post Office.

I opened the discussion with the statement that I had met with you on December 8 in your office, that we had discussed the complaint originating in the Los Angeles branch and your conference with Mr. Gibson and Mr. Parks on the previous day.

I suggested to Postmaster Olesen that in September, his promotion advisory board had usurped his authority by actually making the selection of the six supervisors itself, by its act of submitting only six names from which he, the postmaster, must select six supervisors.

The postmaster questioned his personnel officer as to whether, in the case in question, he was indeed entitled to a list of eight names from which to make his selection.

Mr. Dunavant admitted that strict observance of the promotion policy would have required the board to submit eight names. He went on to suggest the possibility that the board may have found only 6 of the 10 persons under consideration worthy of having their names submitted to the postmaster for appointment.

To this idea we entered two strong objections. First, the terms of the promotion plan are mandatory, not permissive. The board must in every case submit two names in excess of the number of positions to be filled. The word used in this section is "shall" not "may." We further pointed out that if the board had followed the listing procedure laid down for its individual members it would be impossible for the board to come up with less than the required number of names.

Secondly, the idea that all of the 13 rejected candidates are totally unfitted for supervisorships is negated by the fact that the names of 3 of these candidates were submitted at the next promotion period.

Mr. Dunavant, supported by Mr. Huber, suggested that since these were the first promotions based in the new program, some violation of procedure should not be unexpected. They further contended that no one suffered from the error, that even if eight names had been submitted to the postmaster the same six persons would have been chosen.

This reasoning we reject. Here again someone is substituting his judgment for that of the postmaster. We hold that all of the 13 rejected candidates were adversely affected by this deviation from proper procedure, for all were entitled to consideration for becoming 1 of the 2 additional names.

The invalidity of the procedure by which the six were selected being established, we asked the postmaster and his staff what they intended to do about the six selected. All they could or would volunteer was the promise that in the future proper procedure will be followed.

Acting on your suggestion to discover whether Mr. Gibson, Mr. Parks, and the Los Angeles branch of the alliance are satisfied with this state of affairs, I discussed it with them at length.

It was felt that these appointments are extremely vulnerable to challenge but it was also felt that justice would not be advanced by inflicting hardships on the six new supervisors because of an error for which they were not responsible.

This decision of the branch not to challenge should not be interpreted to mean that they are happy about the situation or that there is not still some suspicion that what happened in this case was not entirely accidental.

In the light of other situations that have come to my attention, their suspicion that this "error" falls neatly into a continuing pattern of discrimination, is not too unrealistic.

If accurate minutes of the meeting of the September promotion advisory board are available to you it should be possible to discover the identity of the persons who were ranked seventh and eighth by the board. From this it may be able to infer whether or not race was a consideration in the board's decision to submit only six names.

In looking over the training and experience record of Mr. Perry Parks, and observing him in action it is difficult, if not impossible, to believe that the Los Angeles post office is so blessed with outstanding, potential supervisory talent that a person of his undoubted ability can be long passed over in the selection of supervisors.

I have found that promotion policies in this office, both at the initial and upper levels, do not enjoy the confidence of the branch of the alliance.

Something is certainly needed here to restore confidence in the fairness and objectivity of the promotion system as operated in the Los Angeles post office. There is a bitter feeling that the New Frontier, with its bright promise of equal opportunity, has not yet reached this office. The Los Angeles Branch of the National Alliance of Postal Employees will not be satisfied until the promise is realized.

I had hoped to be able to submit to you a more hopeful report, but this is the Los Angeles situation as I see it.

Sincerely,

ASHBY G. SMITH,
President, National Alliance of Postal Employees.

Los Angeles, Calif., December 21, 1961.

Mr. PERRY C. PARKS, Jr.,
Los Angeles, Calif.

DEAR MR. PARKS: In response to your letter of December 7, the superintendent of personnel advises me that all of the official notifications to supervisory eligibles interviewed, but not selected, have been mailed.

You request that you be informed "specifically and in detail" of the areas in which you failed to meet the criteria which have been set for promotion to a supervisory position in this office. I have been informed of the circumstances relative to your failure to be selected, and you surely must recall having been counseled twice concerning your need for improvement in expressing yourself. You have a tendency to speak indecisively and in such a way as to make it difficult to hear or understand what you are trying to say. When you were interviewed by the promotion advisory board on November 2, you were again counseled in this respect and told that there was no evidence of improvement.

The majority of the members of the promotion advisory board were at no time convinced that you possess the qualifications for promotion to supervisor. In fact, two members of the board outlined your deficiencies to you. It was stated by the assistant general superintendent of mails that you had been personally known to him since you first entered the postal service, that over the years you were considered to be barely getting by, and you could never have been considered anything but average. It was also stated that promotion is expected to be earned through superior performance, demonstrated effort, attitude and contribution to the daily job to be performed, and you had consistently failed to show sufficient potential for assuming the role of a manager; further, that your lack of enthusiasm for and support of the programs of the Department had been apparent.

I am confident these matters were made very clear to you, in view of your telephone call to the office of the assistant postmaster the following morning in which you expressed your appreciation for the frank discussions and gave your assurance of improvement.

I would be pleased to see a sincere effort on your part to cause a change and permit a better evaluation which would earn you favorable consideration of promotion in the future.

Sincerely,

OTTO K. OLESEN, *Postmaster.*

LOS ANGELES, CALIF., *January 4, 1962.*

HON. JAMES ROOSEVELT,
House of Representatives, Washington, D.C.

DEAR MR. ROOSEVELT: My name is Dolores K. Browning and I have been in the postal service in Los Angeles, Calif., since September 1942. In 1959 I bid on a level 5 position in the claims and inquiry section. I did not receive an acknowledgment of the receipt of the bid nor did I ever hear anything from the personnel section in consideration. I was not interviewed to determine my qualifications. The position was awarded to a Frank Vincent Parque. I know nothing of his qualifications, but I do know that his seniority date is 1947 and mine is 1943.

In a recent statement clarifying the awarding of level 5 positions, Mr. Donovan, the superintendent of personnel, stated that prior to 1961, level 5 positions were filled by the senior qualified employee. This procedure has now been revised to read the best qualified employee. This gives a freer field for any appointments of any personnel, with or without seniority in the majority of instances--without. This method completely rules out the seniority factor, does it not? There are many of us that entered the service during the war and have 15 years and better of seniority, and stand to be promoted into many level 5 positions if the seniority factor is considered.

A deplorable condition now exists in the Los Angeles Post Office, wherein an employee with little or no seniority, can be trained for a position before the bid is posted, then the bidders with seniority are counted down due to lack of the training that was surreptitiously given the neophyte. I will cite just one of many existing examples of the above statement: A part-time temporary substitute employee entered the service of the Los Angeles Post Office in July 1961. She is not on the workfloor working the mail, learning a scheme, as is the rule. She is assigned to the civil service section in the Federal Building, working 8 hours daily, under the most favorable of conditions. She is currently being trained to do the work of key personnel of the board, and even monitors examinations. Just what could be the duties of the key personnel if a part-time substitute employee can be trained to do their work in this manner. It is interesting to note that many part-time employees have not been required to take a civil service examination. Considering all of the qualified personnel that have given faithful service over a period of years, how does one justify such flagrant partiality?

When I first entered the service, certain employees who came in at the same time, with and without clerical experience, were being assigned to office work and I inquired of a general foreman how I might also do office work, as I had recently been a legal secretary in another city. He told me in no uncertain terms that, and I quote, "It takes seniority to get any preferred job around here. You just started working here. When you have enough seniority, then you can bid on a job." I replied that some of the young women that had come in with me didn't even know how to type, but were being trained in office

work. He replied, "That's what you think, and we are not paying you to think here, just do as you're told, and you will get along." I now have the seniority of which he so boorishly spoke, and I have bid on several level 5 positions but I remain among the forever level 4's.

On one occasion, as a result of a bid on a level 5 position, I was interviewed by Mr. Donavant of the personnel section. At this time the senior employee, at least he was senior to me, had been working in the job in question for many months due to a long illness suffered by the employee then holding the job. I have never been able to understand the motive behind my being interviewed at this time, since I certainly could not have been considered senioritywise, and definitely had not had the experience to outweigh that of this employee, who was finally awarded the position which he had been filling for many months. In contrast, in the instance of the claims section bid, it appears that I was not even considered senioritywise or otherwise.

You will probably wonder why I am just writing about this injustice in our Department. I have formerly made all my complaints to our union, and Mr. Micanovich, the president, has repeatedly told me that they were doing all that they could but their hands were tied. He also told me that they had been fighting this sort of thing for years but just couldn't seem to crack it. It was at this time that I stopped paying dues. What good is a union if it can't help its employees? Certainly no situation is bigger than the Department in which it exists. Is this a situation that no one can handle?

We are periodically being admonished and advised by the postmaster to be proud of our jobs as part of the postal family, but how can we? Can I be proud of a job where I am denied advancement despite my qualifications, ability and seniority? Can the perpetrators of this discrimination be really proud of their accomplishments? I think not.

If the survival of our country and the ideals that democracy stands for, depends in a small part on the outlook of the Federal employees, their spiritual stability consciousness, there will certainly have to be a right-about-face and a beginning of true consideration of quality, not color, in filling positions. As things now stand, it is clearly apparent to many employees besides myself, that in the Los Angeles Post Office, the words "best qualified employee" means most nearly the "senior Caucasian," and that seniority is only useful to determine "which Caucasian."

I should be interested to know your views on these matters and whether or not there is anything that can be done to promote a more equitable method of placement and upgrading; one that would withstand the bypassing policies as aforementioned.

Awaiting your reply, I am

Sincerely,

DOLORES K. BROWNING.

APPENDIX C

SUPPLEMENTARY STATEMENT—DISCRIMINATION AND PUBLIC ASSISTANCE COSTS IN LOS ANGELES COUNTY

COUNTY OF LOS ANGELES,
COMMISSION ON HUMAN RELATIONS,
Los Angeles, Calif., January 23, 1962.

HON. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.

DEAR MR. ROOSEVELT: I regret very much the delay in getting to you the information you requested some time ago, with respect to the cost of discrimination as reflected in public assistance costs in Los Angeles County.

However, I am delighted that we were able to secure the basic statistics out of which this cost could be determined.

Enclosed please find a statement, in duplicate, covering this matter. I trust that it is what you want, and that it assists you in making your case for a Federal Fair Employment Practices Act.

Please feel free to call upon us at any time if you feel that we can be of assistance in any of the programs in which we may have some competence.

Very truly yours,

JOHN A. BUGAS, *Executive Secretary.*

THE COST OF DISCRIMINATION AS REFLECTED IN PUBLIC ASSISTANCE COSTS, LOS ANGELES COUNTY

Over the last 20 years, from 1940 to 1960, the population of Negroes and Mexican-Americans has increased in Los Angeles County at a rate considerably in excess of the rate of growth of the population in general. Since 1940, the Negro population alone has increased from 75,209 in the county to 461,564, as of April 1, 1960, an increase of more than 500 percent in a 20-year period of time. This rapid population growth has been largely due to immigration, rather than to a natural growth.

While there has been no study conducted to determine the geographical areas from which this migration has come, a careful observer would conclude that the majority of the Negroes moving into the Los Angeles area over the past 20 years have come from the 10 States of the Old South. The Mexican-American has come generally from the Southwest area of the Nation.

These groups have been historically a deprived segment of our population. Educational opportunities in the South have been limited, and job opportunities, except in the professions and in menial type positions, have been practically nonexistent. There has never been anything like a full range of opportunity for job experience, apprenticeship training, or educational training for the more technical jobs requiring a high degree of training or experience.

When, therefore, the Negro and the Mexican-American moved to this area he was ill-equipped to compete for the available jobs. This fact, together with problems of employment discrimination existing in this area, has produced a social and economic situation that results in large numbers of Negroes and Mexican-Americans applying for public assistance.

In Los Angeles County, for the fiscal year 1961-62, at least \$51,162,724 will be expended for one public assistance program—aid to needy children. The major portion of this aid will be dispensed to Negro and Mexican-American persons. Almost 43 percent of the total will go to Negro families.

Racial characteristics of the ANC caseload are as follows: ¹

	Percent
Negro.....	42.54
Mexican-American.....	27.27
Indian.....	.23
Other nonwhite.....	.23
White.....	20.73

These figures begin to take on added significance when it is pointed out that, on the basis of the percentage of these groups in the population of Los Angeles County, the ratio of persons on aid to total county population is as follows:

Ratio of persons on ANC to population:
Race:

- White: 1 of every 182.6 persons.
- Indian: 1 of every 34.38 persons.
- Mexican-American: 1 of every 21.43 persons.
- Negro: 1 of every 10.60 persons.

Therefore, of the 102,683 persons currently receiving ANC aid in this county, 30,522 are white, 236 are Indians, 27,996 are Mexican-Americans, 43,672 are Negroes, 237 are other nonwhite.

If all other racial groups and nationality groups in the county occupied places on the ANC rolls in the same proportion to their population as is true for the white population, Los Angeles County would expend, during this fiscal year, \$18,131,178. Discrimination, therefore, is costing this county at least \$33,031,546 per year.

It should be emphasized that the discrimination referred to here is cumulative discrimination over a period of years, that has existed in all parts of the Nation. This discrimination has resulted in the creation of a large body of citizens who, through no fault of their own, are ill-equipped and unqualified for the highly skilled jobs industry has to offer.

California passed its Fair Employment Practices Act in 1959. Undoubtedly, it has had some effect on the pattern of employment discrimination that existed in this State. Employment discrimination is still a serious factor that causes unemployment among minority group persons in this State. California, together with other FEP States, is sincerely attempting to deal with this problem.

¹ Statistics provided by Los Angeles County Bureau of Public Assistance.

However, the constant influx of persons to this State who, because of discrimination in non-FEP States, are ill-prepared to qualify for the job opportunities available here, results in higher and higher ANC caseloads. It is difficult to envision a cure for this situation in the absence of a Federal FEP law.

APPENDIX D

SUPPLEMENTARY STATEMENT—GENERAL SERVICES ADMINISTRATION

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., February 16, 1962.

HON. JAMES ROOSEVELT,
*Chairman, Special Labor Subcommittee,
Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR MR. ROOSEVELT: As you know, on Tuesday, January 16, 1962, in connection with the hearings on proposed Federal equal employment opportunity legislation, your subcommittee heard certain complainants and agency respondents involving alleged employment discrimination in the General Services Administration.

The complainants, Messrs. Glenwood M. Edmonson, a GSA employee, structural engineer, and Alfred D. Dudley, a former GSA employee, electrical engineer, made sworn charges before your subcommittee of racial discrimination practices in the design and construction division, public buildings service, region 3, General Services Administration.

At the conclusion of the day's hearing a motion was made and adopted to the effect that the General Services Administration be asked to prepare a detailed answer to the sworn charges made by Messrs. Edmonson and Dudley.

Pursuant to that motion there is transmitted herewith a statement setting forth General Services Administration's answer to the aforesaid charges.

We sincerely appreciate the opportunity which your subcommittee has afforded us to answer these charges and trust that the information contained in our statement will clarify the situation as well as any misunderstanding which may have existed.

Sincerely yours,

BERNARD L. BOUTIN, *Administrator.*

General Services Administration's detailed answer to charges of racial discrimination practices in the design and construction division of the public buildings service of its region 3 office sworn to by Messrs. Glenwood M. Edmonson and Alfred D. Dudley before the Special Labor Subcommittee of the Committee on Education and Labor of the House of Representatives on Tuesday, January 16, 1962:

Answer to charges sworn to by Mr. Glenwood M. Edmonson, structural engineer, design and construction division, public buildings service, region 3, General Services Administration

Charge No. 1: "I was nominated by my supervisor, Alfred W. Santelmann, for an outstanding efficiency award, along with a white coworker. Shortly thereafter Mr. Santelmann retired and his successor, Mr. Myron Smith, talked to my coworker, James Lefter, and persuaded him not to pursue the award. I was never consulted concerning my recommendation and I did not receive it."

Answer. Attached as exhibit A is copy of GSA Form 1291, dated February 19, 1959. In order for an employee of the General Services Administration to be considered by its Incentive Awards Committee for a performance award, it is necessary that the employee's supervisor complete and forward an original and two copies of this form, through channels, to the head of the appropriate service or staff office. If the head of the service or staff office concurs in the recommendation, the recommendation is signed by him and all copies are forwarded to the Chairman, Incentive Awards Committee, for consideration. Since Mr. Santelmann is deceased we have no way of knowing what he may or may not have

promised Mr. Edmonson. However, this much we do know, there is no record in GSA of this required form having been prepared and forwarded through appropriate channels by the late Mr. Santelmann in behalf of Mr. Edmonson.

In answer to and refutation of the second sentence of Mr. Edmonson's charge No. 1, there are attached hereto, as exhibits B and C, respectively, signed statements by Mr. Myron M. Smith, successor to Mr. Santelmann, and Mr. James Leffer.

Charge No. 2: "During the various recruiting drives conducted by this agency for engineers and architects, interviews have been held at various universities such as Maryland and Virginia Polytechnic Institute, etc., but no interviews have been made at Howard University, nor to the knowledge of the staff in the Howard University Department of Engineering and Architecture has this agency ever requested or interviewed any of its prospective graduates for future employment."

Answer. The region 3 office of the General Services Administration serves the District of Columbia and the States of Maryland, Virginia, and West Virginia. In 1957, this office began its recruiting visits to engineering colleges within the region, exclusive of the District of Columbia. Educational institutions in the District of Columbia were not visited since it was felt that placement officials and students of such institutions were well informed of Government employment opportunities in the District. This is evidenced by the fact that during the period 1957 through 1961 the following numbers of engineers and architects have entered GSA's training program from District of Columbia educational institutions: George Washington University, five; Catholic University, two; Howard University, one. Also, it was felt that interested applicants would automatically apply for employment through the Civil Service Commission or the personnel offices of the various local Federal agencies. Attached as exhibits D and E are copies of two GSA brochures indicating architect and engineer career opportunities which were circulated by the Civil Service Commission to all colleges having engineering schools.

In September 1961, GSA's region 3 office decided to revise its recruiting schedule in order to employ engineers with academic training from a greater cross section of engineering schools. Consequently, on October 26, 1961, a memorandum, copy of which is attached as exhibit F, was written to GSA central office to indicate the new recruiting schedule and request approval to travel to educational institutions outside the confines of region 3. Shortly thereafter the central office approved this proposed expanded recruiting program. Presently recruiting dates have been established for visits to the State College of Agriculture and Engineering of North Carolina; Duke University, North Carolina; and the University of Pittsburgh, Pennsylvania, in addition to the University of Maryland, Howard University, the University of Virginia, and the University of West Virginia. As evidenced by the above-mentioned dates, the revised recruiting program was initiated prior to any knowledge on GSA's part of Mr. Edmonson's allegations.

Charge No. 3: "The design and construction division has refused to hire Negro engineers in the new construction and repair and improvement branches, either in the Government training program (summer students and recent graduates), or qualified Negro engineers and architects employed in the design branch who requested transfer to these branches to fill any of the many vacancies that occurred when the division was reorganized. Negro applicants have never been permitted to serve in the above branches."

Answer. Mr. Edmonson has been an employee in the design and construction division of GSA's region 3 office since October 1957. During the years 1957-61, four Negro engineers and one Negro draftsman have been employed by GSA within the design and construction division of its region 3 office. This division consists of the following four branches: Design, repair and improvements, new construction, and schedules and services.

The design and construction division has not in the past and will not in the future refuse to hire or assign to any of its four branches any qualified architect or engineer because of race, creed, color, or national origin.

Likewise, the design and construction division has not in the past and will not in the future refuse to transfer to any of its four branches any qualified engineer or architect because of race, creed, color, or national origin. Refusal to hire or

transfer qualified architects and engineers because of race, creed, color, or national origin would be contrary to the basic GSA policy on nondiscrimination in employment.

On several occasions Negro engineers have been assigned to serve in the new construction branch of the design and construction division, region 3. We have no knowledge of any of the four Negro engineers mentioned above ever having formally requested a transfer from the design branch to either the new construction branch or the repair and improvements branch.

Charge No. 4: "Qualified Negro engineers have failed to obtain raises above a GS-11 rating in the design and construction division where Negroes have been permitted to be hired. The sole exception being one engineer who entered at a GS-11 and was promoted to a GS-12 by a former assistant chief of the design and construction division."

Answer. As pointed out above during the years 1957-61, four Negro engineers have been employed by GSA in the design and construction division of its region 3 office. They are as follows: Messrs. Glenwood M. Edmonson, Lawrence Shipp, Alfred D. Dudley, and Howard Mackey.

Mr. Edmonson was employed in October 1957 as a structural engineer by transfer from the Veterans' Administration where he had been employed in that capacity at GS-7. Mr. Edmonson was promoted to GS-9 upon his transfer and subsequently was promoted to GS-11 in 1958. He became eligible for the GS-12 level, structural engineer, in December 1959. During the period December 1959 to February 1962 there have been no promotions to structural engineer GS-12 in the design and construction division, region 3 office.

Mr. Shipp was employed as a mechanical engineer GS-11 on January 20, 1958, by transfer from the National Institutes of Health. In June 1958, he was selected for a GS-12 mechanical engineer vacancy through GSA's promotion plan. In September 1960, Mr. Shipp transferred to the National Aeronautics and Space Administration.

Mr. Dudley transferred from GSA's central office to the design and construction division, region 3 office, on June 1, 1959, as a GS-7, electrical engineer-trainee. He was subsequently promoted through the training program to a GS-11 on October 10, 1960. He became eligible for a GS-12 level, electrical-engineer position, in October 1961. However, 7 weeks later Mr. Dudley transferred to the National Institutes of Health on November 25, 1961.

Mr. Mackey transferred from the Department of Health, Education, and Welfare to the design and construction division of GSA's region 3 office on June 30, 1958, as an architect (general) trainee at GS-7 level. He was promoted in accordance with the training agreement to GS-11 in November 1959. He became eligible for GS-12 level architect in November 1960. In December 1960 Mr. Mackey was considered for a GS-12 vacancy in the Design Branch in competition with four other GS-11 architects. The promotion panel recommended the selection of one of Mr. Mackey's competitors, which recommendation was followed. In March of 1961, approximately 4 months after he became eligible for a GS-12 level architect position, Mr. Mackey transferred to the National Aeronautics and Space Administration.

Charge No. 5: "Negroes who participated in the training program concurrently with their coworkers failed to obtain promotions available to their fellow participants even when length of Government service was in excess, or when civil service ratings equalled or exceeded the others."

Answer. Since Mr. Edmonson did not enter into GSA employment as a trainee it is assumed that the above charge has reference to Messrs. Alfred D. Dudley and Howard Mackey who were participants in the architect and engineer training program of the region 3 office.

The résumé of the promotion history of Messrs. Dudley and Mackey (given above under answer to charge No. 4) reveals that they were promoted in accordance with the training agreement to the GS-11 level. Further, that Mr. Dudley left GSA approximately 7 weeks after he became eligible for a GS-12 level electrical engineer position. Also, that Mr. Mackey approximately 1 month after becoming eligible for a GS-12 level architect position was given due consideration by the promotion panel. Approximately 4 months after becoming eligible for a GS-12 level architect, Mr. Mackey transferred to another agency.

Charge No. 6: "Negro engineers and architects who are assigned office projects located in certain areas of the region (West Virginia, Virginia, and Maryland) as a rule are not permitted to travel to the site to make the necessary inspection of the building site or equipment. A substitute coworker is generally sent instead. The substitute need not be in the same field and on occasion is not associated with the project.

Answer. Qualified architects and engineers employed in the design and construction division of GSA's region 3 office are frequently sent on field trips for various purposes in connection with repair and improvement projects and new construction. The Chief of the branch involved selects the appropriate architect or engineer for these field trips and racial considerations are not factors in the selections.

It should be pointed out that Mr. Edmonson has been sent by the chief of the design branch on field trips to the States of Maryland, Virginia, and West Virginia. Mr. Dudley while employed by GSA was sent on field trips by the chief of the design branch to Baltimore, Md., Annapolis, Md., and Parkersburg, W. Va.

Charge No. 7: "Recently, a Negro applicant with a U.S.C.S. civil engineer rating of 95 was turned down for employment despite the fact that there were several openings within the division. The applicant had a very satisfactory performance rating and extensive experience. He was told that no vacancies existed. Another Negro graduate electrical engineer was not hired although the chief electrical engineer strongly recommended his employment. The vacancy existed as the section was understaffed and under a great deal of pressure from a heavy workload."

Answer. To date the General Services Administration has been unable to positively identify the unnamed persons referred to in the above charge and consequently is in no position to make any specific comments with respect to their seeking employment with this agency.

Charge No. 8: "A recent directive was issued by the General Services Administration Commissioner John L. Moore on nondiscrimination. The directive stated that one-third of its employees were Negroes. The directive did not state the percentage of these employees who are custodial workers."

Answer. The "recent directive" referred to above by Mr. Edmonson is a memorandum (copy of which is attached as exhibit G) which was issued under date of October 16, 1961, by the then Administrator of General Services, Mr. John L. Moore. The memorandum is addressed to all the employees of the General Services Administration and is on the subject of nondiscrimination in employment. The memorandum was issued for a threefold purpose:

First: To assure each and every employee that the Administrator of General Services intends to cooperate with the President of the United States in eliminating discrimination in employment within the Federal Government;

Second: To inform all employees of the establishment of a full-time staff for implementing the policy of equal employment opportunity in the General Services Administration; and

Third: To advise all aggrieved employees of their right to be heard. It was not the purpose of the memorandum to show a statistical breakdown of Negro employment by occupations. The memorandum does not state that one-third of GSA employees are Negroes, as alleged by Mr. Edmonson. Rather, it stated that "over one-third of our employees are members of the minorities."

Answer to charges sworn to by Mr. Alfred D. Dudley, former electrical engineer, design and construction division, public buildings service, region 3, General Services Administration

Charge No. 1. "I was promoted through the training program of the General Services Administration on schedule with my other coworkers to the grade of GS-11. The white trainees with me received promotions to GS-12 but I was told that I could not advance as fast as I had been and it was implied that I would not receive a GS-12 within that division even though vacancies existed."

Answer. As previously pointed out (bottom p. 3 under Charge No. 4) Mr. Dudley transferred from GSA's central office to the design and construction division of region 3 office on June 1, 1958, as a GS-7, electrical engineer-trainee. During the course of the training program all participants are fully informed

that accelerated promotions thereunder are advanced to the GS-11 level only. It is made clear to all trainees that promotions beyond the GS-11 level are based on individual performance, availability of vacancies, conformance to the regular agency promotion plan and required time in grade. Mr. Dudley transferred to the National Institutes of Health on November 25, 1961, 7 weeks after he had become eligible for a GS-12 level, electrical engineer position. Therefore, after having been trained by GSA as an electrical engineer Mr. Dudley transferred to another agency without giving GSA sufficient opportunity to consider him for a promotion.

Charge No. 2. "I believe that discrimination practices exist in the General Services Administration, division of design and construction, in the fact that there are no Negro professional employees in the new construction branch or the repair improvement branch and that a very few Negroes in a professional capacity have been employed over the years in this division."

Answer. As previously pointed out (pp. 2 and 3 under the answer to Mr. Edmonson's charge No. 3) 4 Negro engineers and 1 Negro draftsman have been employed by GSA within the design and construction division of its region 3 office during the years 1957-61. Mr. Dudley was 1 of these 5 Negro professional employees, having transferred from GSA's central office to the design and construction division, region 3 office, on June 1, 1959, as a GS-7, electrical engineer.

The design and construction division has not in the past and will not in the future refuse to hire or assign to any of its four branches any qualified architect or engineer because of race, creed, color, or national origin.

Likewise, the design and construction division has not in the past and will not in the future refuse to transfer to any of its four branches any qualified engineer or architect because of race, creed, color, or national origin. Refusal to hire or transfer qualified architects and engineers because of race, creed, color, or national origin would be contrary to the basic GSA policy on nondiscrimination in employment.

On several occasions Negro engineers have been assigned to serve in the new construction branch of the design and construction division, region 3. We have no knowledge of any of the four Negro engineers mentioned above ever having formally requested a transfer from the design branch to either the new construction branch or the repair and improvements branch.

EXHIBIT A

GENERAL SERVICES ADMINISTRATION RECOMMENDATION FOR PERFORMANCE AWARD		REGISTRATION NO.
		REGISTRATION DATE
NAME OF RECOMMENDED EMPLOYEE MR. _____ MISS _____ MRS. _____	TITLE _____ ☐ SUPERVISOR ☐ NON-SUPERVISOR	GRADE _____ SALARY _____
ORGANIZATIONAL LOCATION (Service, Division, etc.) AND CITY _____	PERFORMANCE PERIOD FROM _____ TO _____	
<i>The employee's supervisor should complete and forward an original and two copies of this form, through channels, to the Head of the Service or Staff Office. If he concurs in the recommendation, he should sign and forward all copies to the Chairman, Incentive Awards Committee. Outstanding rating recommendations must be submitted by May 15.</i>		
RECOMMENDATION FOR (Check one)		
☐ OUTSTANDING RATING AND CASH AWARD	• For performance that far exceeds the normal standards in every aspect of the job.	
☐ SUSTAINED SUPERIOR PERFORMANCE CASH AWARD	• For performance that substantially exceeds the normal standards but not necessarily in all aspects of the job.	
☐ SPECIAL ACT OR SERVICE CASH AWARD	• For a superior accomplishment or noteworthy act in connection with or related to official employment.	
PART I - JUSTIFICATION		
<i>(If recommending an Outstanding rating or a Sustained Superior Performance award, use this method: State the normal performance standard for each task; then describe the actual performance, showing in what way and by how much it exceeded the standard. Continue with another major task in the same way, etc. If recommending a Special Act or Service award, present the facts clearly in straight narrative style, making sure that your description brings out the special features of the accomplishment that are beyond the scope of normal activity.)</i>		

GSA WASH DC 59-11293

(Use attachment if more space is needed)

GSA FORM 1291
FEBRUARY 1959

PART II - RESULTS OF PERFORMANCE

(Furnish a brief summary or evaluation of the overall performance, showing significance and extent of benefits to the Government. Include money savings, if any)

PART III - AWARD RECOMMENDATION

AWARD RECOMMENDED FOR:	TANGIBLE SAVINGS \$	INTANGIBLE BENEFITS \$	TOTAL AWARD \$	COST ACCOUNT CHARGEABLE
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IF GROUP AWARD IS RECOMMENDED, SPECIFY AMOUNT PROPOSED FOR EACH EMPLOYEE

SIGNATURE OF SUPERVISOR	TITLE	DATE
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(Balance of Part III to be completed by Head of Service or Staff Office)

I ☐ concur, ☐ do not concur, in the above recommendation for a performance award.		
SIGNATURE	TITLE	DATE

PART IV - INCENTIVE AWARDS COMMITTEE ACTION

APPROVED FOR:	☐ OUTSTANDING PERFORMANCE	☐ SUSTAINED SUPERIOR PERFORMANCE	☐ SPECIAL ACT OR SERVICE	☐ DISAPPROVED
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AMOUNT OF AWARD GRANTED FOR:	TANGIBLE SAVINGS \$	INTANGIBLE BENEFITS \$	TOTAL AWARD \$
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IF GROUP AWARD IS GRANTED, SPECIFY AMOUNT APPROVED FOR EACH EMPLOYEE

SIGNATURE OF COMMITTEE CHAIRMAN	NAME OF COMMITTEE	DATE
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EXHIBIT B

JANUARY 23, 1962.

To Whom It May Concern:

Reference is made to the statement by Glenwood M. Edmonson regarding outstanding ratings.

I have never promised Mr. Edmonson or anyone else in the structural section, an outstanding rating, and I did not make a written request for such a rating. I have never promised Mr. Edmonson or anyone else, that I would recommend any one for an outstanding rating. I do not consider such a promise as good policy. What Mr. Santelmann told Mr. Edmonson, I do not know. Mr. Santelmann neither mentioned nor discussed any such subject with me. Neither did I hear, nor was I included in any discussions that Mr. Santelmann, Mr. Edmonson, and Mr. Lefter might have had between or among themselves.

However, Mr. Edmonson did tell me that Mr. Santelmann had promised him (Mr. Edmonson) an outstanding rating, and he (Mr. Edmonson) requested me to try to secure it for him. I told Mr. Edmonson that I could not and would not do that at this time since I had not been in charge of the section a sufficient length of time to arrive at any conclusion on such a matter. Later he reminded me that he thought that he should be given an outstanding rating. I told him that it was my opinion that neither he nor anyone else in the structural section was deserving of such a rating. After some time he again raised the question and I tried to make it quite clear that my opinion, as stated just above, had not changed.

Subsequent events substantiated my opinion. During my absence, an outstanding error was made by Mr. Edmonson (in a project approved) in the design for the footing of a reinforced concrete retaining wall, where his design, shown on the contract drawings, had the tension reinforcing placed on the compression side of the concrete section. (Witness project No. GS-R3-B-7704, drawings Nos. 27-10 and 27-10-A, dated February 25, 1959, Bristol, Va.) Such an error would automatically eliminate any employee from my consideration for an outstanding rating.

MYRON M. SMITH.

EXHIBIT C

FEBRUARY 1, 1962.

To Whom It May Concern:

1. I was employed by GSA as a GS-11 structural engineer in March 1958. My qualifications as a structural engineer are demonstrated by the fact that I was a registered professional engineer in Maryland and Pennsylvania. I was promoted to a GS-12 structural engineer position in April 1959 on the basis of my work.

2. My work performance at GSA can be judged by the following assignments: I was one of two GSA employees selected to participate in the Civil Service Commission middle management intern program; I was detailed to the Professional Services Section of Design Branch; and on March 13, 1961, I was detailed by Mr. Cromwell, Chief, Design Branch, to execute the duties of Assistant Chief, Design Branch.

3. Mr. Edmonson's allegation that I actively sought, and was subsequently dissuaded from seeking, a performance award at any time during my employment with GSA is false. I consider this statement a reflection on both my personal and professional character.

4. Mr. Santelmann, Chief, Structural Section until his retirement, was interested in Mr. Edmonson's development as an engineer and often sought ways to encourage him. It is quite possible that Mr. Edmonson misunderstood Mr. Santelmann's encouragement. To my knowledge, there is no record supporting Mr. Edmonson's allegations.

JAMES LEFTER.

EXHIBIT D

OCTOBER 26, 1961.

To: Director of Personnel.
 From: Chief, Personnel Division.
 Subject: College recruiting.

We have been requested by Public Buildings Service to recruit approximately 20 engineers who will be entered into the design and construction and buildings management training programs.

In order to get a good cross section of engineer training, the operating officials have asked us to include different colleges and universities on our recruiting efforts. The following is a suggested list:

- University of Maryland, College Park, Md.
- Howard University, Washington, D.C.
- University of Pennsylvania, Philadelphia, Pa.
- Penn State University, University Park, Pa.
- State College of Agriculture and Engineering, Raleigh, N.C.
- Duke University, Durham, N.C.
- University of Virginia, Charlottesville, Va.
- University of West Virginia, Morgantown, W. Va.
- University of Pittsburgh, Pittsburgh, Pa.

We are attempting to secure dates from these universities so that we can plan our recruiting trips. As you will note several of these universities are outside the boundaries of our region.

It is requested that approval for travel to those universities outside this region be given.

EXHIBIT E

GENERAL SERVICES ADMINISTRATION,
 Washington, D.C., October 16, 1961.

MEMORANDUM

To: All GSA employees.
 From: The Administrator.
 Subject: Nondiscrimination in employment.

The employment practices of General Services Administration have always been designed toward the policy of equal employment opportunity regardless of race, creed, color, or national origin. This is evidenced by the fact that over one-third of our employees are members of the minorities. On March 6, 1961, President Kennedy, in his determination to eliminate all discrimination in employment in the Federal Government, issued Executive Order No. 10925 in which he set forth the steps to be taken for the achievement of his goal.

As a member of the President's Committee on Equal Employment Opportunity, established by the above Executive order, and as Administrator of General Services, I have pledged to cooperate to the fullest extent with the President's desire to end discrimination within the Federal Government. Accordingly, I expect every employee within GSA who has the authority to recruit, hire, promote, train, transfer, demote, separate, or fix compensation to carry out such responsibilities without regard to race, creed, color, or national origin of applicants or employees. To this end I have established a special staff in the central office to devote full time to implementing and coordinating, within GSA, the policies of the President's Committee on Equal Employment Opportunity. A deputy employment policy officer has also been designated in each regional office to aid in implementing this program.

Any aggrieved GSA employee or qualified applicant for employment who believes he or she has been discriminated against because of race, creed, color, or national origin has the opportunity to be heard. Complaints may be filed with the deputy employment policy officer of your region or the GSA employment policy officer in the central office. These officers are also available to provide further information.

JOHN L. MOORE, Administrator. ²¹

APPENDIX E

PROCEDURAL AND STATISTICAL SUMMARY—PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY,

Washington, D.C., January 24, 1962.

Congressman JAMES ROOSEVELT,
Chairman Special Subcommittee on Labor,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: In response to your request, as chairman of the Special Subcommittee on Labor, for information concerning the procedures for handling complaints of discrimination in Government employment, I am enclosing the following:

1. An outline of the step-by-step procedures in resolving complaints in Federal Government employment.
2. A statistical summary of the status and disposition of complaints.
3. A summary of the program of the Government Employment Division of the committee.

This report does not include detailed information on the extensive affirmative action programs of the executive departments and agencies, but such programs are in progress throughout the Federal structure. These affirmative programs are, of course, vital to the success of the committee's work.

You will note that these materials refer only to the Government employment program and do not cover the work of the committee with regard to Government contract employment. Inasmuch as the request for information was in connection with the subcommittee's hearing on a Government employment complaint, I assumed your request was for information in that field.

We will be happy to furnish information on the committee's program in Government contract employment, if you feel the subcommittee would like to have it.

I trust this information is as desired. Please let me know if we can be of further assistance.

Sincerely,

JOHN G. FIELD, *Executive Director.*

STEPS IN RESOLVING DISCRIMINATION COMPLAINTS IN FEDERAL GOVERNMENT EMPLOYMENT

1. Any qualified applicant for Federal Government employment or a Federal employee who believes he has been discriminated against because of race, creed, color, or national origin may file a written, signed complaint.

2. Complaints may be filed with the employment policy officer, deputy employment policy officer, or with the President's Committee. The head of each department or agency has designated an employment policy officer and deputy employment policy officer within their respective department or agency to process complaints of discrimination. The name and address of the employment policy officer, deputy employment policy officer, and the address of the President's Committee are posted on all employee bulletin boards and all bulletin boards which are used to announce Federal examinations and job opportunities in each department or agency, and in the field offices or subdivisions serviced by them. Complaints filed with the President's Committee will normally be referred to the employment policy officer of the agency concerned.

3. On direct receipt of any complaint, the employment policy officer shall transmit a copy of the complaint to the executive vice chairman. The employment policy officer shall then institute a prompt investigation which shall include a complete case record. When necessary or appropriate for a full development of the case, the investigation shall also include an appraisal of employment practices in the organizational segment or unit in which the alleged discrimination occurred. Within 30 days from receipt of a complaint, the employment policy officer shall process the complaint and submit a report on its disposition to the executive vice chairman. Where the complainant requests a hearing, under provision hereinafter set forth, the report will be submitted within 60 days after receipt of the complaint.

4. If discrimination is found, it shall be corrected, but if the employment policy officer or the deputy employment policy officer cannot clearly determine that the complainant was discriminated against but believes there is sufficient justification for the complaint, an attempt shall be made to resolve the complaint by informal means.

5. If no discrimination is found by the investigation, the complainant shall be so informed, and informed of his right to secure a review by the executive vice chairman, or in the alternative, his right for a hearing before the employment policy officer, deputy employment policy officer, or someone designated by either of them.

6. If the complainant requests an oral hearing before the employment policy officer, deputy employment policy officer, or someone designated by either of them, the hearing officer shall:

(a) Hold an informal hearing at a convenient time and place.

(b) Take an adequate transcript or agreed summary.

(c) Produce any witnesses under the agency's jurisdiction.

(d) Insure the rights of confrontation and cross examination.

(e) Prior to the hearing make available to the complainant, his counsel, or representative, the entire investigative report or a concise and accurate summary of the facts pursuant to his complaint, and upon which the employment policy officer relied in reaching a decision, together with a statement of the reasons for his action in denying the claim of the complainant.

(f) Make his proposed findings and recommended conclusions upon the basis of the record before him.

7. The head of the department or agency, or his designated representative, shall make the final decision in the disposition of the case. Where the head of the department or agency, or his designated representative, has referred the case to the executive vice chairman for review and advisory opinion, such final decision may be made only after receipt of the recommendations of the executive vice chairman. Further, such final decisions shall be reconsidered whenever reconsideration is recommended or ordered by the executive vice chairman.

8. If the final decision of the head of the department or agency is a finding of no discrimination, the complainant shall be informed of such decision, and of his right to request a review of the decision by the executive vice chairman of the President's Committee.

9. In all cases, the employment policy officer shall submit a report of disposition of the complaint to the executive vice chairman, and said report shall contain the following:

(a) A copy of the complete case record if requested by the executive vice chairman.

(b) A summary of the complete case record, which shall include the following:

(1) The name and address of the complainant.

(2) The date on which the complaint was filed with or referred to the agency, and, where the complaint was filed with the agency, the name and title of the officer with whom it was filed.

(3) A summary of the complaint indicating the specific type or types of discrimination alleged.

(4) A summary of the results of any appraisal of employment practices and the significant facts disclosed by the investigation and any hearing.

(5) A statement describing disposition of the complaint. If the complaint was withdrawn, the reason for withdrawal should be included.

(6) The date of disposition of the complaint.

10. All parties shall have the right to be accompanied, represented, and advised by counsel, or by other qualified representatives at any time during the processing of a complaint.

COMPLAINTS AGAINST FEDERAL AGENCIES

As of January 12, 1962, the committee had a record of 897 complaints filed with it or directly with the Federal agencies concerned in which discrimination had been alleged on the basis of race, creed, color, or national origin. Thirty-five agencies have been named in these complaints, but 12 of the 35 have received only one complaint. Understandably, there seems to be a correlation between the size of the agency and the number of complaints received, since the

Post Office Department and the three Defense agencies (Army, Navy, and Air Force) have received by far the greatest number of complaints. The Department of Commerce and the Veterans' Administration rank next.

As of January 12, 1962, 280 complaints had been closed. A review of these reveals that corrective action had been taken by the agencies in 83 cases (29.9 percent). The type of discrimination alleged and the personnel action involved for these 83 cases is set forth below:

Personnel action	Race	Creed	National origin
Failure of appointment.....	10		
Failure of promotion.....	32	2	
Separation.....	6	1	2
Other.....	29		1
Total.....	77	3	3

This compares with a total of 1,053 complaints closed for a 6-year period between January 18, 1955, and December 31, 1960, by our predecessor, the President's Committee on Government Employment Policy, of which a total of 173, or 16.4 percent resulted in corrective action.

The term "Other" under the column headed "Personnel action" includes a multitude of problems encountered by employees, such as the use of derogatory terms, lack of use of the courtesy titles of Mr., Mrs., etc., poor supervisory-employee relations, lack of communication, inconsistent assignments, lack of assignments to training courses, admonishments, etc.

The type of corrective action has varied from the appointment, or promotion, of the person who made the complaint, to more sweeping correctives, such as measures to improve the relationship between supervisors and employees and to improve communication generally within the agency. Where derogatory terms have been used, or when supervisors have failed to use the courtesy titles, they have been advised of the necessity for correcting the situation.

In one large Federal agency in Chicago employing a great number of Negroes in low-grade positions, the investigation of a complaint resulted in the appointment of Negro supervisors for the first time. The charges against the complainant which would have resulted in her removal were dropped for lack of sufficient evidence, supervisors were trained in management-employee relations, better communications between employees and supervisors up to and including the district director were established, and the supervisors were advised that the office rules were to be applied impartially to all employees.

Some of the corrective actions which applied primarily to the individual complainant are rather interesting. There was the case of the American citizen of Italian ancestry who was removed from his position in an overseas establishment of a Defense agency. His complaint of discrimination was found to be valid and the removal action was withdrawn and measures instituted to make certain that there would be no further discrimination at the installation.

Then there was the case of the parts and equipment cleaner who had to be reassigned as the result of a reduction in force. He alleged that he was assigned to the position of railroad track maintenance man which exceeded his physical capabilities. At the time of the reassignment, his medical records indicated he had no physical limitations. As a result of his complaint, he was given an all-factor physical examination. On the basis of the information resulting from that examination, he was found to be physically unqualified for the position and was reassigned to the less strenuous duties of meat wrapper at the same pay and grade.

In another case, the complainant, a Caucasian, was a member of the Church of Theola. He alleged that there was an improper discussion of this and other personal matters in connection with his referral for a higher grade position, as a result of which he did not receive the promotion. As a result of the investigation of his complaint, the supervisor who initiated the conversation, and the supervisor of the vacant position who later questioned the employee regarding these matters, were issued written reprimands for their statements and questions. The complainant was promoted while the complaint was pending.

In another case several equipment specialists alleged that because of their race they were not afforded equal opportunity with white employees to attend provisioning conferences, which resulted in lesser qualifications for promotion purposes. As a result of the investigation of the complaint, one of the complainants was promoted, another was assigned to a provisioning conference, and disciplinary action was taken against the supervisor concerned.

It should be noted that in the latter two cases some disciplinary action was taken against the supervisors involved. Disciplinary action against supervisors has varied in accordance with the specific circumstances in each case. In one such case, as the result of the complaint, one dietician resigned, one supervisor was transferred, and one employee was separated in a disciplinary action.

EQUAL EMPLOYMENT OPPORTUNITY—GOVERNMENT

The present administration, committed to the policy of equal employment opportunity in Federal employment and profiting by the experience of the previous committees, not only expanded the powers given this Committee, but, even more important, vigorously pushed the realization throughout Government that this administration and this Committee are sincere and serious in their intention and desire to achieve the goal of equal opportunity in Government employment.

While complaint processing necessarily has occupied a considerable share of Committee time and attention during the first 9 months of operation, emphasis has been placed on programs aimed at developing long-range guarantees of non-discriminatory employment practices. These include:

The first complete survey of employment in executive agencies to determine the status of minority group personnel.

Detailed results of the survey have not been made public but will be used as a benchmark for measuring progress. In addition, the survey provided a basis for self-analysis by responsible agency officials and enabled the Committee to spot trouble areas where immediate and drastic revision of personnel practices were needed. A special spot check survey of 15 agencies is now underway and another Government-wide survey will be made in June.

Conferences with administrative officials, both in Washington and in the field.

These conferences serve the dual purpose of emphasizing the fact that the Committee means business and of providing a forum for discussion of problems and development of methods for achieving program goals. Seven regional conferences have been held and others are scheduled in the remaining Civil Service Commission regions of the country. Status reports and followup meetings from each region 6 months following the conference (and periodically thereafter) will enable agency officials and the Committee to maintain a constant check on improvements being made.

Development of capability within agencies.

Employment policy officers (the agency official responsible for carrying out the equal employment policy) and personnel officials in Washington have participated in training programs. Special training programs also are being undertaken in various agencies and field installations. It is our goal to reach and to teach every individual responsible for administration of the equal-opportunity policy. Moreover, some agencies either are assigning full-time personnel or are employing specialist personnel to carry out the program. (The Post Office Department, for example, is employing a specialist in each of its regions.)

Improved personnel practices.

The fact that this Committee received approximately 850 complaints in its first 9 months compared with around 1,050 received by the former Committee in 6 years caused responsible agency officials to take a new look at their supervisory and personnel practices. In a number of instances, overall changes have resulted, thus benefiting not only individual complainants but all employees. This type of cooperation from agencies is in large measure responsible for the Committee being able to report corrective action taken in about 30 percent of the cases so far processed to completion. This compares with a rate of 18.47 during the previous Committee's 6 years of operation.

As with any other organization, we have had to clearly define our functions and responsibilities in seeing to it that the Executive order is carried out. We have not gone into the field of recruitment or placement since we feel our function is that of a coordinating agency responsible for building a team of people

to work toward the goal of equal employment opportunity. In our 9 months of operation we are aware that we have only scratched the surface in achieving this end. While continuing with the activities we have described above, we are also planning future activities which will include the following:

A request to all agencies that a strong statement on policy be issued and sent to all employees; also that supervisors be asked to sign a pledge of fairness endorsing in writing the statement of policy made by the agency head.

A nationwide meeting, in cooperation with the Civil Service Commission, with college presidents, and representatives of minority groups to stress that this administration is committed to a program of equal employment opportunity, that students should be encouraged to train and apply for Federal employment with the assurance that they will be considered on the basis of their qualifications, and that the standards of college curriculums should be raised to more adequately equip graduates to compete for top Government positions.

Meetings with agency heads and employment policy officers of the smaller agencies for the purpose of discussing the program of the Committee and how they can implement it in their own agencies. Statistics from major agencies would be reviewed at such meetings in an effort to identify weak spots and suggest programs for improvement. Reports on results would be requested of these agencies.

APPENDIX F

REPLIES TO ALLEGATIONS OF DISCRIMINATION

CITY OF AURORA, ILL., December 6, 1961.

In re statement of Dr. Lucien H. Holman of Joliet, Ill., State president of the Illinois conference of National Association for the Advancement of Colored People, before the Committee on Education and Labor of the House of Representatives, October 22, 1961.

Mr. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
Committee on Education and Labor,
House of Representatives,
Washington, D.C.

DEAR MR. ROOSEVELT: I have just received a copy of the report of the Committee on Education and Labor of the House of Representatives, on October 22, 1961.

I am quite disturbed by the report of Dr. Lucien H. Holman of Joliet, Ill., State president of the Illinois conference of National Association for the Advancement of Colored People. I refer to paragraph 3, page 1 of the report. The report reads as follows:

"Further evidence to weaken the committee is the attack upon Mr. Earl B. Dickerson by the mayor of Aurora, and others. To say that Mr. Dickerson is a Communist is an attack upon the NAACP itself. President Kennedy has expressed his confidence in the NAACP by using in his administration the president of our board and the head of our legal defense department. It is well known among the people of Aurora the dislike the mayor of Aurora has for the NAACP and rightly so because we have exposed the discrimination and bigotry that exist in that community. Mr. Dickerson is a member of long standing of our national executive board and a respected businessman. The FBI would have exposed him long ago if this was not true. I myself was called a Communist by a radio announcer in Aurora because we exposed evidence of police brutality on the police force."

As representative of the people of Aurora, I am naturally upset by what apparently is an ill-considered, unsubstantiated and untrue attack on the people of the city of Aurora including myself. We believe that Dr. Holman's attack is totally unfounded and we believe that these statements do not represent the opinion of any class within our community.

The personal attack of Dr. Holman upon me arising from an alleged statement by me concerning a Mr. Earl B. Dickerson is likewise unfounded. It is my hope that this statement was made in ignorance rather than maliciously. I do not know Mr. Dickerson, I have never met Mr. Dickerson, I have never made any public comments concerning Mr. Dickerson and in fact I was not aware of the name Earl B. Dickerson until after the statement of Dr. Holman made to you on October 22, 1961.

I trust that you will be able to make this correspondence a part of your record of proceedings of October 22, 1961. I sincerely thank you and your committee for the attention and courtesy that you have given to this correspondence.

Sincerely,

JAY L. HUNTER, *Mayor.*

EDWARDSVILLE COMMUNITY SCHOOLS,
COMMUNITY UNIT SCHOOL DISTRICT No. 7,
Edwardsville, Ill., December 1, 1961.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.*

MY DEAR MR. ROOSEVELT: This is in reply to your letter of November 14, 1961, regarding the testimony of Lucien H. Holman before your subcommittee on October 22, 1961.

It is my belief that Mr. Holman based his accusation upon fragmentary information. The Edwardsville Community Schools have been fully integrated since 1950-51 when the Community Unit School District was formed. According to our estimates, there are about 5 or 6 percent colored in our student body. Our records do not show who are and who are not colored. We do have one teacher at the present time who is colored. We also have a colored teacher on the substitute teacher list. It is our contention that teachers should be selected for each particular position on the basis of their preparation, their demonstrated intellectual ability, their emotional stability, and their good moral character.

At the present time we have three colored custodians on the staff, two of whom work in our newest building. Five of the 24 full-time cafeteria employees are colored. We have others on our substitute list for the cafeteria. Out of the some 2,200 students that are transported, only about six are colored. Most of the colored people of the district live within walking distance of the schools. We have not had colored applicants for bus-driving positions. If we do get good applicants for these positions, we will use them.

We believe that a great deal of progress is being made in Edwardsville in intergroup relations. At the present time our school district is forming a citizens consulting committee to work with the board of education on the formation of policy. The board of education has chosen 22 people from the community to serve on a selection committee to nominate the citizens consulting committee. Two very fine colored people are members of this selection committee.

I hope that this information will help you to understand that this local community is trying to resolve whatever problems may be present due to differences of racial and cultural background. We realize that some of the colored of our area, as well as some of the white people, are from culturally deprived backgrounds. We are making sincere efforts to help these people achieve their proper place in our society.

Sincerely yours,

A. GORDON DODDS,
Superintendent of Schools.

HEADQUARTERS, GRANITE CITY ENGINEER DEPOT,
U.S. ARMY,
Granite City, Ill., November 24, 1961.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
House of Representatives,
Washington, D.C.*

DEAR MR. ROOSEVELT: Reference is made to the last paragraph on the third page of a speech by Dr. Lucien H. Holman of Joliet, Ill., State president of the Illinois conference of National Association for the Advancement of Colored People, before the Committee on Education and Labor of the House of Representatives on October 22, 1961. This paragraph which states that Granite City Engineer Depot hires and promotes qualified Negroes is true.

There is no specific charge made in Dr. Holman's speech which states that Granite City Engineer Depot hires Negroes on a quota or segregated basis. I assure you that we employ qualified people regardless of race, color, or creed.

There have been no discrimination complaints at this installation in the past several years. A recent survey made by the deputy chief of staff for personal

inspection during September 5-15, 1961, dated October 3, 1961, states "Survey findings show that many aspects of the civilian personnel management program are being administered in an adequate or better manner. Noteworthy among the favorable findings are * * * (g) serious effort to assure equitable treatment of employees belonging to minority groups."

If I can be of further assistance to you in this matter, please let me know.

Sincerely yours,

JOHN M. ANSLEY,
Lieutenant Colonel, CE, Commanding.

CENTRAL SOYA,
Fort Wayne, Ind., December 7, 1961.

Hon. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.

DEAR MR. ROOSEVELT: Thank you very much for the letter from your Special Subcommittee on Labor with the special testimony of Mr. Holman. We appreciate the opportunity of replying to this letter.

At the Master Feed & Seed Co., of East St. Louis, which is affiliated with Central Soya, we employ only five semiskilled warehousemen and six other people, who are skilled salesmen, clerical, or supervisory personnel.

You may be interested in knowing that some of the services provided to the Master Feed & Seed Co. warehouse at East St. Louis are provided by colored people. If we were discriminatory, we would not be hiring these workers. Also, you may be interested in knowing that at our feed manufacturing plant in Memphis, Tenn., a large percentage of our millworkers are colored. Furthermore, at our Texas feed manufacturing plant, most of our workers are of Mexican origin and have pigmented skins, although they are not the same as NAACP.

Being good citizens in the business communities in which we operate, we fully understand the laws of the land and the importance of the problem you are attempting to bring to light. However, we do not appreciate receiving reports which are prejudiced and which imply discriminatory practices, putting our company and related industries in a bad light, when this is not the case.

Having met you personally in Washington on various occasions, I fully appreciate and respect the fine work which you are doing; and we believe that you want us to speak with honesty and frankness as has been done in this letter.

With best wishes for a very pleasant holiday season, I remain,

Very truly yours,

J. L. KRIDER, *Vice President.*

SWIFT & Co.,
St. Clair County, Ill., December 5, 1961.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House of Representatives,
Congress of the United States.

DEAR SIR: We wish to acknowledge your letter of November 14, transmitting to us testimony given to your special subcommittee by Dr. Holman.

We appreciate your referring this to us and giving us an opportunity to state Swift & Co.'s policy in this respect.

It has been our company's longstanding policy to give fair and reasonable consideration to any applicant for employment regardless of race, creed, nationality, or sex.

This policy is explicit not only in our management instruction documents but also is spelled out in contracts with unions representing employees in our plants. You may be interested in noting this in the attached pages 6 and 7 of the master agreement with the union representing employees at our National Stock Yards plant.

Sincerely yours,

GARLAND RUSSELL.

EMPLOYMENT POLICY

6. (a) The company shall give preference, when hiring people, to former employees whose services were satisfactory. Employees whose employment is terminated as a result of technological change and who have not received separation pay, may request employment at other units covered by this agreement, and if such employment is available shall be offered such employment with service rights to which they would be entitled under this agreement preserved for all purposes, except that the seniority of such employees at the new plant shall date from the date of employment at the new plant unless otherwise mutually agreed.

(b) Employees who have given long and faithful service in the employ of the company and have become unable to handle their position, will be given preference to such other work as is available. Wages paid to such employees shall be the wages of the position assigned.

7. The company agrees that it will give fair and reasonable consideration to any applicant or employee regardless of race, sex, color, creed, nationality, or membership in the union.

NO COERCION

8. The union, its officers, and members shall not intimidate or coerce employees into joining the union or continuing their membership therein.

CONTRIBUTIONS

9. Contributions to charity and membership in insurance or welfare associations is entirely voluntary on the part of the employee.

MANAGEMENT

10. The management of the plants and direction of the working forces, including the right to hire, suspend, or discharge for just cause, to assign to jobs, to transfer employees within the plant, to increase and decrease the working force, to determine products to be handled, produced, or manufactured, the schedules of production, and the methods, processes, and means of production or handling, are vested exclusively in the company; provided this will not be used for the purpose of discrimination against any employee or to avoid any of the provisions of this agreement.

COMPANY AND UNION RESPONSIBILITY

11. There shall be no strike, stoppage, slowdown, or suspension of work on the part of the Amalgamated Meat Cutters & Butcher Workmen of North America (AFI-CIO), the local unions, or their members, or lockout on the part of the company.

MOBIL OIL Co.,
East St. Louis, Ill., December 4, 1961.

HON. JAMES ROOSEVELT,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: I acknowledge your letter of November 14 which was received on November 20, and appreciate the opportunity to comment on the matter you have raised. I know you will be interested in the policy of our company, which is set forth in the following resolution of our board of directors, dated June 8, 1955:

"Socony Mobil Oil Co., Inc., has long had a policy against any discrimination in its business relationships because of race, creed, color, or national origin. Increasingly in recent years what had been a moral obligation and good practice has become also a matter of law. Many contracts which the U.S. Government enters into with industrial firms require the latter to avoid discriminatory practices. Those in direct charge of each phase of our company's business will continue to be responsible for seeing to it that anything having to do with personnel is conducted without prejudice, on the merits of the individual, and in conformity with applicable State and Federal laws."

I have been the manager of the East St. Louis refinery of the company since 1956 and in such capacity have had full authority over all hiring practices. To the best of my knowledge, the above policy has been explicitly followed.

Respectfully,

H. A. LUTZ, Refinery Manager.

MIDWEST RUBBER RECLAIMING Co.,
East St. Louis, Ill., November 27, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives,
Washington, D. C.

DEAR MR. ROOSEVELT: Our company has received a letter, written by you as Chairman of a Special Subcommittee on Labor, concerning the recent Chicago hearings of your committee regarding the testimony of Dr. Lucien H. Holman. For your information, Dr. Holman is misinformed. I have carefully investigated the facts touching upon the statements made by him concerning our company and can find no basis whatsoever therefor.

We appreciate your kindness in enclosing a copy of Dr. Holman's testimony for our information.

Very truly yours,

GILBERT K. TRIMBLE, *President.*

FARMERS INSURANCE GROUP,
Aurora, Ill., November 27, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House of Representatives, Washington, D.C.

DEAR SIR: On November 14, 1961, you requested a written reply to allegations made by Dr. Lucien H. Holman in a statement before the Committee on Education and Labor of the House of Representatives on October 22, 1961.

In reading Dr. Holman's statement, I find that he has reference to the Farmers' Mutual Insurance Co. in Aurora. Of course, I do not know whether he had reference to our own company, the Farmers Insurance Exchange, which is a member of the Farmers Insurance Group; however, our employment statement as set out in our personnel procedure manual is as follows:

"The employment policy of the Farmers Insurance Group is employment on the basis of merit, qualifications, competency. There shall be no discrimination by management or employees against any applicant or employee because of race, religious creed, color, national origin, or ancestry. No position in the company is held exempt because of bona fide occupational qualification. All minority employees have equal rights for on-the-job training."

Very truly yours,

C. E. WILLIS, *Regional Vice President.*

NORTHERN ILLINOIS GAS Co.,
Aurora, Ill., November 30, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: This refers to your letter of November 14, 1961, received by this company.

With respect to the allegations made in the testimony of Dr. Lucien H. Holman before your subcommittee referring to Northern Illinois Gas Co., this is to advise that Northern Illinois Gas Co. does not have, and has never had, any policy or practice which would involve discrimination against any employee or applicant for employment on the basis of race, religion, national origin, or ancestry.

Your sincerely,

W. E. PRESTON, *Vice President.*

SPENCER KELLOGG DIVISION OF TETRON, INC.,
Kansas City, Mo., December 1, 1961.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
 House of Representatives, Washington, D.C.*

SIR: We are surprised and shocked to hear we have been accused of discriminatory employment practices at our East St. Louis plant as we have a very high percentage of Negro employees in that plant. All of our employees are hired on merit with total disregard to race, creed or color. We have only two positions open to women employees at the plant, both of which have always been filled on merit.

It is also surprising that Dr. Holman, in his testimony on October 22, 1961, referred to our company as the Staley Milling Co. The Staley Milling Co. merged with Spencer Kellogg on November 1, 1958, and has not operated under the name of Staley Milling Co. since about July 1, 1959.

When Staley Milling Co. operated the East St. Louis plant, I was in charge as manager and their policy was exactly as outlined above.

Very truly yours,

JOSEPH A. COOPER,
Executive Vice President.

UNION ASBESTOS & RUBBER CO.,
Bloomington, Ill., November 30, 1961.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
 House of Representatives, Washington, D.C.*

DEAR SIR: On November 14 you wrote enclosing a copy of testimony given by a Dr. Holman to members of your subcommittee concerning employment practices in Illinois. We in our Bloomington, Ill., plant have no discriminatory labor practices of any kind.

Dr. Holman's testimony is in error in that he stated that we employ 500 people. At the present time our Bloomington payroll does not exceed 160 people, and at no time has it been over 250 people.

It is true that at the present time we have no Negroes on the payroll. This is due largely to the fact that we have seen no Negro applicants for several years. Any Negro applicant at this plant will have the same treatment as any other person applying for work, and will be either accepted or rejected based on his merits, regardless of race or color.

Yours very sincerely,

EMIL T. JOHNSON, *Senior Vice President.*

EAST SIDE ASSOCIATED INDUSTRIES,
East St. Louis, Ill., November 24, 1961.

HON. JAMES ROOSEVELT,
*Member of Congress,
 Washington, D.C.*

DEAR SIR: Approximately half of our members were named as employers "engaged in discriminatory employment practices" in the testimony of Dr. Lucien H. Holman before your Special Subcommittee on Labor. We appreciate your apprising us of these accusations which came as fresh and unpleasant news. Probably some of our member companies will wish to answer individually. This, however, is made difficult by Dr. Holman having offered largely unsupported conclusions rather than the "facts on job discrimination (which) speak for themselves" that he promised. As one who for many years has been actively and practically engaged in the employment practices of the East Side community I want to reply to these allegations.

First, the Illinois FEPC law was not written by "big business" as Dr. Holman stated. With a few exceptions, industrial employers were opposed to enactment of this law. We admit it and do not apologize for opposition to a law that we believed unnecessary and impracticable. As to its being "enforced by big business," a study of the membership of the commission will surely refute this. His reference to "no penalties" and "costly legal fees" are similarly inaccurate, as even a hasty reading of the act would prove.

Second, Dr. Holman's charge that "job discrimination is widespread" in Madison and St. Clair Counties may be his opinion, to which he is entitled, but it is not shared by us. Dr. Holman did not offer a single bit of proof of discrimination but rather posed his opinionated conclusions as facts. By using a shotgun attack, Dr. Holman may have hit some fair game, but he also hurt some he should have protected.

In some instances (but not in reference to any of our members) Dr. Holman stated, apparently intended as proof of discrimination, that X company employed "no Negroes." Equating either no employment or low percentage employment of Negroes with discrimination is a non sequitur and completely unfair to many employers. Forcing employment of Negroes to be on any kind of a proportionate basis would be discriminatory against white applicants because it absolutely could not be done on merit.

The disadvantages of Negroes—lack of training and experience, union exclusions, and problems of acceptance by their white coworkers—in the employment market are being overcome rapidly, and I am sure that employers here welcome the change. Incidentally, it is unfair for "big business"—I couldn't determine whether it was "the known devil" or "the suspected witch" in Dr. Holman's antagonistic description—to be cast in the role of villain in this connection. It is ironic that on one hand corporate employers are accused of being cold and impersonal and on the other hand of being deliberately and extremely biased and intolerant, which are strictly personal traits.

In our acceptance of Negro applicants we are being discouraged by their practice of inquiring about or ostensibly applying for jobs they either do not want or at least never follow up on to the extent of being hired or rejected. We can only conclude that this is done to build up cases against employers. In any event it is a nuisance and a time-wasting harassment that we do not experience with other applicants. If this is part of the program of NAACP or any other groups, they are doing a disservice to everyone and actually delaying rather than hastening the employment of their members.

Dr. Holman and others like him are wrong in treating us as adversaries. We have no fight with him or with anyone who honestly wants to work with us in solving our employment and employee relations problems.

Yours very sincerely,

FRANK C. MANSFIELD, *Manager*.

MATERIAL SERVICE,
Chicago, Ill., November 22, 1961.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
House of Representatives, Washington, D.C.*

DEAR SIR: We have your letter of November 14, 1961, with respect to the testimony of Dr. Lucien H. Holman, State president of the Illinois Conference of NAACP, concerning discriminatory employment practices.

We want to thank you for the opportunity to make this written reply to the testimony of Dr. Holman that pertains to our company.

We have reviewed this testimony and have noted that on page 8 Dr. Holman has stated that Material Service does not hire nonwhites. We would like to respectfully submit that we believe there is a misunderstanding in this respect. On the same page 8 of the testimony, Dr. Holman has stated that the Independent Concrete Pipe Plant does hire nonwhites. The pipe plant referred to is a substantial operation of Material Service located at Lockport, Ill., which is in the Joliet area. This operation, although sometimes locally called the old Independent Pipe Plant, has no separate corporate existence, and it is possible that some confusion could exist over the name. In any event, it would appear that Dr. Holman has, on the same page of his testimony, clearly identified us unqualifiedly as employing nonwhites, and this is a correct statement of the facts. It is and has been our policy to employ without regard to race, color, or creed. We never have kept records based on the number of people employed in any so-called minority groups, but one has only to go through our operations, not only in the Joliet area but in our Chicago operations as well, and he will find substantial numbers of representatives from all races and creeds.

Again, we have appreciated the opportunity to respond to Dr. Holman's testimony and correct what we deem to be a misunderstanding.

Very truly yours,

LUCIAN A. LINCOLN,
Director of Industrial Relations.

GENERAL STEEL INDUSTRIES, INC.,
Granite City, Ill., November 21, 1961.

Mr. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.

SIR: This is to acknowledge your letter of November 14 and thank you for the copy of Dr. Lucien H. Holman's statement before the Special Subcommittee on Labor in Chicago on October 22, 1961.

Yours very truly,

EARLE M. LAYMAN,
Manager of Industrial Relations.

GRANITE CITY STEEL CO.,
Granite City, Ill., November 24, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR SIR: We have received your November 14, 1961, letter with respect to the Chicago hearings of the Special Subcommittee on Labor on the subject of "Equal Employment Opportunity." We are pleased to note that Dr. Lucien Holman did not cite our company for any specific discriminatory practices.

For more than 15 years, our company has employed individuals on a strictly merit basis and promoted individuals on a strictly merit basis, without regard to race, color, creed, religion, national origin, age, or sex. Our only restriction is that individuals employed must be between the ages of 18 and 60. This, of course, is made necessary by the fact that we must comply with the Fair Labor Standards Act and because of our retirement policies which encourage individuals to retire at age 65.

Sincerely yours,

NICHOLAS P. VEEDER,
Chairman of the Board and President.

MORRIS PAINT & VARNISH CO.,
November 22, 1961.

Mr. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House of Representatives, Washington, D.C.

DEAR MR. ROOSEVELT: I recently received in the mail from you a statement by a Dr. Lucien H. Holman of Joliet, Ill., stating that our company discriminates against the hiring of Negro women.

This is completely ridiculous since we do not employ any women at all in our plant. It would seem obvious to me that an individual of your character would first analyze these reports to be sure they are correct in every aspect.

Since our plant started in 1945, and since the beginning of our plant, we have never employed any women at all in our plant.

Trust this clarifies the matter, and would appreciate your forwarding this information to Dr. Holman since he is completely incorrect in his analogy of this situation.

Yours very truly,

CHARLES SOPHIR.

P.S.—I might add that we do hire and employ colored persons in our plant; however, they are male employees.

C.S.

ALLIED CHEMICAL CORP., GENERAL CHEMICAL DIVISION,
New York, N.Y., December 14, 1961.

Re: Equal employment opportunity.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House Committee on Education and Labor,
Washington, D.C.

DEAR REPRESENTATIVE ROOSEVELT: Thank you for the opportunity you have granted us to comment on the testimony of Dr. Lucien H. Holman given before the Special Subcommittee on Labor on October 22, 1961.

Dr. Holman's allegations that Allied Chemical Corp. engaged in discriminatory employment practices have been carefully investigated since such conduct would violate a long standing policy of Allied Chemical prohibiting discrimination against any employee, or applicant for employment, because of race, creed, color, or national origin. We have concluded that Dr. Holman's testimony regarding Allied Chemical is incorrect and that our policy of nondiscrimination in employment has not been compromised at the East St. Louis and Metropolis plants. Set forth below are facts on which this conclusion is based.

EAST ST. LOUIS PLANT

Dr. Holman stated Allied Chemical (referred to at page four of his statement as "General Chemical Co.") discriminated against Negro women at the East St. Louis plant. There are approximately 140 employees at the East St. Louis plant, 4 of whom are women employed in the plant office. Additional women are not employed at the plant because the work requires skills and experience normally possessed only by men. Each of the four women employees have been employed by Allied Chemical at least 10 years and consequently there has been no need to seek replacements nor have we found it necessary to hire additional clerical help. We have been unable to discover any incidents of discriminatory treatment connected with hiring these individuals or their predecessors.

METROPOLIS PLANT

The Metropolis, Ill., plant was constructed in 1957 pursuant to a contract to supply the Atomic Energy Commission with uranium hexafluoride. Approximately 100 hourly paid employees and 90 salaried employees were required to operate the plant. The need for essential technical training and specialized experience necessitated filling a substantial number of salaried positions with intra-company transfers. Most hourly paid positions were filled, consistent with the practice of Allied Chemical, with individuals from the local area. Approximately 1,800 applications were received for 100 potential hourly paid positions. The applications were reviewed to determine which applicants appeared to possess skills and experience necessary for work in a plant where radioactive and combustible materials would be processed. Approximately 400 applicants appeared qualified and were asked to take intelligence and mechanical comprehension tests. This was the first time an applicant was interviewed by representatives of Allied Chemical. The application forms contained no reference to race, creed, color, or national origin. According to the plant manager and a review of the facts, applicants were offered jobs solely on the basis of test results and past employment performance.

Since the race or color of an applicant was neither recorded nor considered in determining job qualifications, there is no accurate method of determining the number of Negro applicants at Metropolis. The best recollection, however, of those individuals responsible for hiring is that 5 or 6 Negroes were among 400 applicants interviewed. One Negro applicant met the minimum standards for employment and accepted a job. This employee is currently on the plant payroll and has advanced to the highest chemical operator rate established for the plant.

Although we feel Allied Chemical was unjustly accused by Dr. Holman of engaging in discriminatory employment practices, we recognize the problems confronting employees and employers in assuring that equal employment opportunities are a reality and not merely a promise for all employees and applicants for employment. Accordingly, we have attached for your information a policy statement issued by Mr. Kerby H. Fisk, chairman of the board of Allied Chemical, which clearly reiterates this company's unequivocal policy of nondiscrimination in employment. A similar statement was issued to all plant managers of General Chemical Division, which operates the two plants in question.

We would appreciate having our comments incorporated in the record of the committee hearings.

Sincerely yours,

F. J. FRENCH, *President.*

ALLIED CHEMICAL CORP.,
New York, N.Y., September 8, 1961.

Mr. F. J. FRENCH,
President, General Chemical Division,
New York, N.Y.

DEAR MR. FRENCH: At the operating committee meeting on August 11, 1961, the company's policy of prohibiting discrimination against any employee, or applicant for employment, on account of race, creed, color, or national origin was discussed and the requirement that this policy be fully observed in day-to-day operations throughout the Allied organization was strongly emphasized.

I am sure you are aware that discrimination can arise not only in connection with employment and recruiting, but also in the matter of upgradings, demotions, transfers, layoffs, terminations, rates of pay and other benefits, selection for training, and other areas of the employer-employee relationship.

Operating as we do in many areas throughout the United States and elsewhere, we run into many different and difficult conditions. Basically, being fair is the best assurance we can have that we are not discriminating or creating the appearance of discriminating.

In the case of hiring, promotion, and assignments, objective qualifications for the particular job are properly a first requirement in the selection of people. No one has the right to believe that he or she has been discriminated against if not possessing the needed qualifications. Problems are more likely to arise where as between two or more individuals qualifications are relatively equal, and it is here that a sincere desire to be fair and avoid discrimination is most important.

Like conflicts of interest, discrimination can occur in so many forms that any attempt on the part of management to be more specific would serve no useful purpose. Allied's policy not to discriminate is clear and long standing. It is your responsibility to see that it is observed both in letter and spirit by you and the employees under your jurisdiction, and you are expected to take appropriate steps to discharge this responsibility.

Also discussed at the operating committee meeting were the facts that a number of State and municipal laws prohibit discrimination; and that Presidential Executive Order No. 10925 has recently been issued dealing with the subject of nondiscrimination which is applicable to certain contracts with the U.S. Government and subcontracts. I wish to stress the importance of taking affirmative action to insure that all applicable requirements of these laws, and of Executive Order No. 10925, are fully met. To this end, you should see to it that the employees under your jurisdiction are fully advised, and instructed to examine carefully current and proposed practices at all of your locations.

A copy and summary of Executive Order No. 10925 has been furnished you by Mr. Gaston and additional copies needed by you for distribution can be obtained from him. Questions arising in connection with any of these matters should be discussed with Mr. Elliott or Mr. O'Connell, as may be appropriate, except questions involving legal interpretation or aspects which should be taken up with Mr. Gaston.

As you are fully aware, any corporate policy in the abstract is meaningless. It is in its implementation that the true definition of corporate policy becomes apparent. How the particular policy is applied is the only test of the policy itself. In the matter of nondiscrimination as in the case of any other policy, the personal feelings of no employee can be permitted to abort company policy and this must be made clear to all employees.

Sincerely yours,

KERRY H. FISK.

ILLINOIS POWER Co.,
Decatur, Ill., December 6, 1961.

Hon. JAMES ROOSEVELT,
Member of Congress, Washington, D.C.

SIR: In the recent Chicago hearing of the Special Subcommittee on Labor, Dr. Lucien H. Holman, State president of the Illinois Conference of NAACP, testified that our firm engaged in discriminatory employment practices in Granite City, East St. Louis, and Bloomington. Thank you for sending us copies of Dr. Holman's statement.

The longstanding policy of this company has been to hire qualified applicants regardless of race, creed, or color, providing a job opening exists. This policy has been stated and reaffirmed many times during recent years to our area managers and it has been followed rigorously.

On a number of occasions it has been suggested that we lower our hiring standards or create new positions for the express purpose of hiring additional Negro applicants. We have not done this and do not intend to do so, since we believe it will be a disservice both to our company and to Negroes.

Thank you again for bringing this to our attention.

Sincerely yours,

W. J. KELLEY, Vice President.

CERTAIN-TEED PRODUCTS CORP.,
Ardmore, Pa., December 7, 1961.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, Congress of the United States,
Washington, D.C.

DEAR SIR: A recent statement by Dr. Holman with regard to discriminatory practices in employment in Illinois has been referred by our East St. Louis, Ill., plant to our department for a reply as suggested by your letter dated November 14, 1961. In the meantime, we have received a copy of a November 24, 1961, letter to you from Mr. Frank C. Mansfield, manager of the East Side Associated Industries, East St. Louis, Ill. We wish to state our concurrence in the content of Mr. Mansfield's letter and suggest that it be recorded with Dr. Holman's statement in order to give a fair comment on the situation which allegedly exists according to Dr. Holman.

We have recently asked our East St. Louis plant to advise us with regard to the employment situation at that plant and they have been able to advise us that out of 216 salaried and hourly paid workers at that location 91 are Negroes. We do not feel compelled to make any further investigation of the employment situation at our East St. Louis plant and trust that this information will be maintained in your files.

Very truly yours,

ROBERT L. SMITH, Legal Department.

ILLINOIS BELL TELEPHONE Co.,
Springfield, Ill., January 9, 1962.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House of Representatives,
Washington, D.C.

DEAR MR. ROOSEVELT: Your letter of November 14, 1961, regarding Chicago hearings of the Special Subcommittee on Labor on the subject of equal employment opportunity has just recently reached my office.

We are at a loss to know why Dr. Lucien H. Holman, State president of the Illinois Conference of NAACP, would testify that the Illinois Bell Telephone Co. engaged in discriminatory employment practices in Bloomington, Ill., for the following reasons:

1. Dr. Holman's testimony in hearings before the last regular session of the Illinois Legislature was commendatory in behalf of the Illinois Bell Telephone Co. in this regard.

2. Testimony transmitted in your letter of November 14, 1961, also points out that in the specific locations mentioned, Illinois Bell Telephone Co., is one of the companies that does hire qualified Negroes.

3. Bloomington, Ill., does not happen to be an operating telephone property of Illinois Bell Telephone Co.

We hope that this will serve as a means of clearing the files of the subcommittee so that the record will be correct.

Yours very truly,

R. H. MYERS,
Assistant Vice President.

C. E. ROBINSON Co.,
Joliet, Ill., January 3, 1962.

Mr. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
House of Representatives,
Washington, D.C.*

DEAR MR. ROOSEVELT: Your letter of November 14 has recently come to my attention, and I apologize for the delay in answering. Your letter references the Chicago hearings on the subject of equal employment opportunity and certain testimony made by Dr. Lucien H. Holman, State president of the Illinois Conference of NAACP.

In reply to your letter, I can only say that to the best of my knowledge, this company has not in the past and is not presently engaged in any form of discriminatory employment practices.

Very truly yours,

D. F. GROHNE.

STEPAN CHEMICAL Co.,
Northfield, Ill., January 8, 1962.

Mr. JAMES ROOSEVELT,
*Special Subcommittee on Labor,
House of Representatives, Washington, D.C.*

DEAR MR. ROOSEVELT: This letter is in answer to your letter of November 14, 1961, concerning Dr. Holman's testimony.

We are pleased to note that we are listed on page 8 of the transcript as hiring Negroes in the ordinary course of our business.

For many years it has been the policy of Stepan Chemical to base our hiring only on qualifications and merit. We are well satisfied with the results of this policy and are very happy with the performance and relationships with our Negro employees.

Very truly yours,

W. N. LAPORTE, *Director of Manufacturing.*

CARGILL, INC.,
Minneapolis, Minn., January 3, 1962.

Congressman JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN ROOSEVELT: I am in receipt of your letters of November 14, 1961, addressed to the Nutrena Mills facility at East St. Louis, Ill., and to Cargill, Inc., grain elevator at East St. Louis, Ill.

We have read the statement of Dr. Lucien Holman, and it appears that he cited Nutrena Mills and Cargill, Inc., as companies discriminating against Negro women. While it is impossible from the testimony of Dr. Holman to know the precise nature of the alleged discrimination, we are certain that there is no such discrimination as alleged being practiced at the two subject facilities.

Yours very truly,

JOHN F. McGRORY.

SHIPPERS' CAR LINE,
East St. Louis, Ill., December 22, 1961.

Hon. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
Committee on Education and Labor,
House of Representatives,
Washington, D.C.*

DEAR CONGRESSMAN ROOSEVELT: Your letter of November 14, 1961, has been received along with the statement by Dr. Lucien Holman in which he alleges that "to the best of our knowledge" this plant, among numerous others, has engaged in discriminatory employment practices against Negro men and women. I appreciate the opportunity you have afforded to answer Dr. Holman's contention.

First, let me say that I feel Dr. Holman's allegations are unfounded in regard to this plant. However, there are a few facts pertinent perhaps only to this plant, which may be of interest. Necessarily, the last 7 years will serve as my frame of reference, since it is during this period that I have been plant manager for Shippers' Car Line at East St. Louis.

We are a private commercial concern engaged almost exclusively in the maintenance and repairing of a variety of railroad cars owned by or leased to industrial and commercial users. It must be recognized that this is a small plant with an average total of employment of approximately 50 people. We are much too small in operation to have a plant personnel department. Our employment and turnover has been extremely light; for example, we have not hired any new people for more than a year. Because of the nature of our business, the plant location is probably remote from areas where persons would ordinarily seek employment in person. In the past those whom we have hired have come to us primarily through referrals made by our employees. In addition, we have used, from time to time, both State and private employment services, and have afforded all applicants the same treatment.

As plant manager, I feel that this plant has not engaged in discriminatory employment practices against Negroes; nor is it our intention to do so.

Sincerely yours,

G. H. ROBINSON, *Plant Manager.*

ATLANTIC COAST LINE RAILROAD CO.,
Jacksonville, Fla., February 5, 1962.

Re complaint filed by NAACP with the President's Committee on Equal Employment Opportunity.

Hon. JAMES ROOSEVELT,
*House of Representatives,
Washington, D.C.*

DEAR CONGRESSMAN ROOSEVELT: This will acknowledge your letter January 30 concerning recent Washington hearings before the Special Subcommittee on Labor relating to equal employment opportunity.

We greatly appreciate your offer to file with the subcommittee a written reply to the allegations made by Mr. Herbert Hill concerning alleged discriminatory employment practices. Your letter was the first information we had received concerning these allegations and arrangements have been made for an immediate investigation. As soon as this investigation has been completed, Coast Line would like to take advantage of your kind offer and present a written statement to the subcommittee in reply to the allegations made by Mr. Hill.

Yours very sincerely,

W. THOMAS RICE, *President.*

LIGGETT & MYERS TOBACCO CO., INC.,
New York, N.Y., February 8, 1962.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House Office Building, Washington, D.C.

DEAR SIR: Your letter of January 30 sent to Durham, N.C., was forwarded to this office with its enclosure of statements made with respect to our employment policies before your subcommittee. This matter is receiving attention but we may say preliminarily that the enclosed statement contains many inaccuracies.

As is indicated by your enclosure the real involvement is with AFL-CIO, the International Association of Machinists, the Teamsters Union and several other unions. We have presently under study all factors involved. Our policies, worked out with the unions, have so far been, we think, useful. We value greatly our good relations with all our employees and wish to safeguard them in every way.

Yours sincerely,

R. M. CHENOWETH, *Secretary.*

ST. LOUIS-SAN FRANCISCO RAILWAY CO.,
St. Louis, Mo., February 7, 1962.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House Office Building,
Washington, D.C.

DEAR MR. ROOSEVELT: Your letter of January 30, 1962, with respect to the testimony before your subcommittee by Mr. Herbert Hill in which he alleged that this company engaged in discriminatory employment practices has been referred to me.

I have requested appropriate officers to investigate this matter and will communicate to you the results of our investigation as soon as practicable.

We appreciate the opportunity which you have afforded us to look into this matter.

Sincerely,

ERNEST D. GRINNELL, JR.,
Vice President and General Counsel.

UNITED PAPERMAKERS & PAPERWORKERS,
Albany, N.Y., February 5, 1962.

HON. JAMES ROOSEVELT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: I appreciate your letter of January 30 and the excerpt from the statement of Mr. Herbert Hill to the Special Subcommittee on Labor, wherein Mr. Hill said that the undersigned refused to meet with officials of the NAACP "to even discuss efforts to eliminate these vicious practices" of discrimination by this organization.

In view of this statement, I am sending you a copy of a letter dated April 19, 1960, addressed to me by Mr. Roy Wilkins, a copy of a letter dated June 1, 1960, addressed to me by Mr. Herbert Hill, and a copy of a letter I sent to Mr. Wilkins on June 6, 1960.

As will be seen from this correspondence, the suggestions of a meeting were made long after Mr. Hill had given the daily press critical statements about this organization. In view of his derogatory public statements, which were made before asking for a meeting and before any contact whatsoever with me or other officers of this international union, I saw no need then (and none now) to agree to such a meeting.

Thank you for the opportunity to clear up the record in connection with this matter.

Sincerely,

PAUL L. PHILLIPS, *President.*

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,

*New York, N.Y., April 19, 1960.***MR. PAUL L. PHILLIPS,***President, United Papermakers & Paperworkers, AFL-CIO,
Albany, N.Y.*

DEAR MR. PHILLIPS: For many years the National Association for the Advancement of Colored People has been aware that local unions affiliated with the United Papermakers and Paperworkers have negotiated separate racial lines of seniority in their collective bargaining agreements. Investigations of complaints received from our members in several States also indicate a pattern of segregated affiliated local unions throughout the South.

As you know both of these practices are contrary to the constitution and civil rights declarations of the American Federation of Labor-Congress of Industrial Organizations. Where your union holds collective bargaining agreements with companies operating with Federal Government contracts the rigid exclusion of Negro workers from certain job classifications on the basis of race also represents a clear violation of the antidiscrimination provisions contained in all Federal Government contracts.

It is my understanding that the United Papermakers and Paperworkers will be entering negotiations with many corporations during the spring of next year. The association is not unaware of some of the difficulties faced by trade unions in eliminating long established but unjust traditions and practices which do great harm to Negro workers and to the entire Negro community. We believe that a beginning in the pulp and paper industry should be made now so that by the time the respective unions in this industry enter negotiations in 1961 they will be in a position to bring about compliance with Federal Executive orders and with AFL-CIO civil rights policies.

The NAACP is prepared to offer its fullest cooperation with the United Papermakers and Paperworkers in these matters. Therefore, I would like to arrange a meeting with you and members of your staff so that we may assist in eliminating the discriminatory practices suffered by the Negro members of your union. Either Fort Edward, Albany, or New York City would be a convenient meeting place for me and my staff.

I am aware that all of us are extremely busy, therefore, may I request an early reply so that there will be no long delay in arranging this meeting.

Very sincerely yours,

ROY WILKINS, *Executive Secretary.*

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,

*New York, N.Y., June 1, 1960.***MR. PAUL L. PHILLIPS,***President, United Papermakers & Paperworkers, AFL-CIO,
Albany, N.Y.*

DEAR MR. PHILLIPS: Please find attached copy of letter dated April 10 from Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, in which a request was made to confer with you on a matter of segregated locals affiliated to the Papermakers Union and on the issue of separate racial lines of seniority in collective bargaining agreements.

Although more than a month has passed we have not even received the courtesy of an acknowledgment to Mr. Wilkins' letter. In our previous letter the association offered its fullest cooperation to the United Papermakers & Paperworkers in eliminating discriminatory racial practices. We should like to repeat our offer of assistance in initiating activity that will correspond to the best interests of the international union as well as to its colored members.

Your continued lack of a response to these important matters can only be understood as an indication that the United Papermakers & Paperworkers and its international president has no intention of complying with the Constitution and civil rights declarations of the American Federation of Labor-Congress of Industrial Organizations and that it will continue to be a party to discriminatory collective bargaining agreements in violation of the antilynch provisions contained in Federal Government contracts.

The refusal to meet with representatives of the NAACP is particularly dismaying as the other union in the paper industry, the International Brotherhood of Pulp, Sulphite & Paper Mill Workers, has invited us to appear before the next meeting of its international executive board.

May we request an early reply.

Sincerely,

HERBERT HILL, *Labor Secretary.*

JUNE 6, 1960.

Mr. ROY WILKINS,

Executive Secretary, National Association for the Advancement of Colored People, New York, N.Y.

DEAR MR. WILKIN: I regret that a very busy schedule has prevented my earlier acknowledgment of your letter of April 19.

It was, I must confess, a surprise to hear from you on this subject. A year or two ago, and occasionally since then, there have appeared in the daily press charges that this organization was following a pattern of segregation by race in its southern local unions. Yet, until your letter, no one in all this time bothered to contact us or to inquire into the accuracy of the charges.

A few days ago, I received a letter from Mr. Herbert Hill. Among other things, he complained that I had not shown you the "courtesy" of a reply. Here, again, I was surprised—this time at Mr. Hill's familiarity with the word, since it was he who was quoted in the press as referred to above.

To make charges without investigation appears to be the accepted procedure, and the most recent instance coming to my attention is in connection with certain union practices on Government construction in Washington, D.C. If there is a pattern of some kind, it seems to me, it is to make headline charges through the newspapers and then to sit back and await denials. I see no reason why I should go along with this way of doing things.

Further, I do not need Mr. Hill to advise me on AFL-CIO policies. I am fairly well familiar with these policies. If there is to be a charge that we are not in compliance, we are answerable only to the AFL-CIO. I do not question the right of Mr. Hill to speak for the NAACP members, but I do question his authority to be the spokesman for UPP members.

The United Papermakers & Paperworkers has no second-class members. Our records here at international headquarters show we make no distinction or separation on the basis of race, sex, religion, national origin, or any other of what are commonly referred to as "minority groups."

For this reason, I do not know how many of our 140,000 members are Negroes. I think it is safe to assume there are some in all mills, particularly in the mills of the South. Yet, out of 720 local unions throughout the United States and Canada, we have some 9 or 10 local unions where the membership is composed entirely of Negroes. These local unions have been approached on this matter, and I have personally discussed it with the officers of some. Not only have I failed to get a request to combine with other local unions, but I have failed to get even an agreement that it be done.

We have more local unions organized on a basis of jobs or departments in a given plant, than we have organized on a basis of race. In most plants we have single local unions covering all employees, while in other plants we have as many as five separate local unions.

In the latter case, to attempt to combine all employees into a single local union would simply mean the liquidation of a number of local unions. I believe in principles, of course, but I do not see where any good would be accomplished by taking such extreme measures that we destroy the power of our members at the bargaining table.

It seems clear we have made considerable progress in this field, and with no complaint from the members of UPP. It is obvious we are not moving as rapidly as desired by some outside of this organization, but I am confident we shall continue to make progress by working with and through our own people.

Sincerely,

PAUL L. PHILLIPS,
President, United Papermakers & Paperworkers.

CITIES SERVICE REFINING CORP.,
Lake Charles, La., February 13, 1962.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
U.S. House of Representatives, Washington, D.C.

DEAR SIR: We thank you for your letter of January 31, 1962, enclosing a copy of the allegations made by Mr. Clarence A. Laws with regard to Cities Service Refining Corp., in the recent Washington hearings and affording us this opportunity to reply to the same.

For your information, Cities Service Refining Corp. was among the first companies in the Deep South and the first in this immediate area to take affirmative action to assure equal employment opportunities to all employees regardless of race, color, or creed. The examination policy referred to in the affidavit submitted by Mr. Laws was adopted by the company for the specific and publicized purpose of furthering the program of the Government Contracts Committee by establishing purely objective minimum standards for employment and upgrading, and the separate restrooms, drinking fountains, etc., referred to therein are simply maintained in compliance with State laws.

Moreover, since 1955 the company has undergone no less than three complete investigations under the auspices of the National Labor Relations Board, the former Government Contracts Committee, and the Military Petroleum Supply Agency, which have not only disproved the general allegations made by Mr. Laws, but have culminated in the company being commended for its cooperation in the Government's program.

In this connection the company will always welcome a review of its efforts in this field and constructive criticism and suggestions from any responsible source, but we feel that blanket indictments predicated on hasty conclusions such as those reached by Mr. Laws in this instance serve only to deter the real progress being made in this field.

Again thanking you for your consideration in advising us of the events that have recently transpired, we are,

Yours very truly,

GEORGE L. MATEER, *President.*

UNION ELECTRIC CO.,
St. Louis, Mo., January 16, 1962.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House of Representatives, Washington, D.C.

MY DEAR MR. ROOSEVELT: Thank you for your letter of November 14, 1961, enclosing a copy of the testimony given to the House Special Subcommittee on Labor by Dr. Lucien H. Holman of the NAACP.

Union Electric Co. has for many years followed a policy of employing Negroes; and, in some cases, these employees have risen to positions of importance in our organization. For example, for many years, the position of chief chemist was occupied by a Negro, now retired. We have employed and are continuing to employ Negroes into engineering and other responsible positions. Our labor agreements provide for promotion solely on the basis of seniority, ability, and qualifications; and, under this provision, no racial discrimination is, or can be, exercised with respect to such promotions.

Dr. Holman in his testimony stated, "The Union Electric Co. in Madison County (Illinois) denies qualified Negro applicants equal job opportunity." What Dr. Holman did not mention is that our properties in Madison County are operated as part of an integrated system, the headquarters of which are in St. Louis. When a job vacancy occurs in any of our local offices (including our Alton office in Madison County), our labor agreement provides that this vacancy be posted for bidding throughout our system, and the vacancy is then filled by the senior qualified bidder. Only rarely does an opportunity occur for such a job to be filled by direct employment from the outside. Recently an opportunity of this kind did arise in our East St. Louis office, and the job was filled by employing a qualified Negro woman. No similar job opening has occurred in our Alton office for some time.

Our company enjoys an excellent reputation in this area for its fair employment practices. As evidence of this, I am enclosing copies of recent articles taken from the St. Louis Argus and Sepia, both of which make favorable reference to Union Electric. On April 20, 1960, the St. Louis Post-Dispatch, in a news article on the annual meeting of the Urban League held at the Statler-Hilton Hotel on April 19, reported as follows:

"Achievement awards were granted to Mayor Raymond R. Tucker, Prince Hall Grand Lodge of Free and Accepted Masons, and Union Electric Co. * * * J. Wesley McAfee, president of Union Electric, accepted the award for his company 'for accepting the challenge of a democratic employment policy and making it work, for demonstrating that race and color are not valid criteria for employment consideration, and thereby supporting the Urban League goal of equal opportunity.'"

We are continuing a systemwide policy of offering equal job opportunities to qualified individuals without racial or other discrimination. The situation as it exists in any of our small local offices, such as that at Alton, must be examined in the light of this policy.

Sincerely yours,

C. R. STOCKHUS,
Vice President, Industrial Relations.

ILLINOIS AGRICULTURAL ASSOCIATION,
Bloomington, Ill., December 5, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
Committee on Education and Labor, Washington, D.C.

DEAR SIR: You forwarded a copy of a statement made by Dr. Lucien H. Holman of Joliet, Ill., at a recent hearing before your special subcommittee in which Dr. Holman stated that our firm is engaged in discriminatory employment practices.

The Illinois Agricultural Association and its affiliated companies recently moved its principal offices from Chicago, Ill., to Bloomington, Ill. We have approximately 1,100 employees in our Bloomington office. Two hundred and forty-seven employees were with the association and its affiliated companies in Chicago and moved to Bloomington, and approximately 850 employees have been recruited in the Bloomington-Normal, Ill., areas and from other areas in the State. Aside from persons just graduating from high school, we have interviewed about nine persons for each person employed.

We have standard tests which are given applicants for employment. We have made a validation study of test scores against performance both in Chicago and in Bloomington. On the basis of these studies we have established certain minimum scores which applicants must make before they are accepted for employment. These scores relate to learning ability, clerical aptitudes, stenographic work, typing, etc., depending upon the position to be filled. The minimum test scores in typing vary considerably depending upon the nature of the work involved. The same is true with respect to our stenographic tests.

Prior to July 1, 1961, when the major move of our offices was completed, 11 Negroes had inquired or made application for employment.

Two of these were men who came in and asked for an application blank stating they would fill it out and mail it back to us. We have heard nothing further from them. Three women did not qualify because they did not have adequate learning ability.

One woman did not qualify because she did not have clerical aptitude.

One did not qualify because she was a very poor typist and for some reason did not complete the test battery.

One woman was asked to return for testing, an appointment was made, but she did not keep the appointment.

One Negro woman applied for clerical work and was employed in our general office where she is in the mimeograph department.

One applicant was marginal, meeting the minimum score on learning ability and just barely meeting the minimum score on clerical aptitudes. However, we were interested in obtaining permanent employees. Her husband was establishing a business in Africa and she stated that it was her desire to move as soon as he was established there and she expected that her employment would be only temporary.

One applicant who appeared to be qualified on the basis of her experience filed an application in August 1960 but, when called, did not return to take the tests.

Since July 1, 1961, we have had the following applicants:

One woman applied for kitchen or maid service. Her work experience was entirely in factory work. She was considered with other applicants for a matron's position which was filled by a Negro in July 1961.

A second woman applied for a switchboard operator or a typist. Her qualifications did not measure up to any of the minimum standards which we require.

One male applicant applied for a position as a janitor. He had experience in custodial work. At the time of his original interview, he stated it would be necessary for him to be in California for at least 3 weeks and for that reason he was not given immediate consideration. In September 1961, he was called for another interview. He has a long service record with Woolworth's and, in addition, is holding another part-time job. There was reluctance on his part to give up his position at Woolworth's. Our position was full time. No job offer was made because of his general reluctance to leave Woolworth's and the fact that we were not certain we would actually be offering an improvement in his situation.

In August, one woman who had filed an application earlier and taken tests, was given consideration for a position which it was thought she might fill. However, a check with her two previous employers was not satisfactory. One employer stated she was immature and that her attendance record was below average. The second employer stated that her attendance had been very erratic, that she had taken 2 or 3 days off at a time without explicit reason and had left without notice. She was not employed.

Another woman applicant who appeared to be well qualified was not employed as her husband went with the Harlem Globetrotters and she expected to be traveling with him.

Another applicant qualified as a file clerk. However, she is married and has four children ages 7, 6, 5, and 1½. It did not appear that she would be able to work regularly.

Another qualified applicant applied for maintenance work. He was called for his second interview in September following his original interview the latter part of July. The position open involved nightwork. He was not interested in working nights because of other work conflicts. No job offer was made to him.

An additional 14 applicants consisting of 10 women and 4 men were not given serious consideration or employed for office positions, both because of lack of qualified skills and learning ability.

We now have two Negroes employed in the Bloomington offices, one in the mimeograph department and the other as a matron. We have a Negro employed in Chicago, engaged in adjusting insurance claims and of 32 people employed at our Gateway Grain Elevator in Chicago, 3 or 4 are Negroes.

Our personnel people have definite instructions to hire qualified Negroes upon the same basis as any other person. We are not discriminating against Negroes, neither are we hiring persons because they are Negroes regardless of their qualifications. We feel that the charges are entirely unfounded. We do not believe that any effort was made to check the validity of the charges made against us before the statement was presented to your committee.

We do appreciate your courtesy in forwarding the statement to us and the opportunity to file this reply to the charges made.

Very truly yours,

PAUL E. MATHIAS, *General Counsel.*

RICHARDS-WILCOX MANUFACTURING Co.,
Aurora, Ill., December 7, 1961.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor,
House Office Building,
Washington, D.C.

DEAR MR. ROOSEVELT: We welcome this opportunity to reply to Dr. Lucien H. Holman's testimony before the Committee on Education and Labor of the House of Representatives, given in Chicago on October 22, 1961. We were unaware that such testimony had been given until you transmitted it to us.

The allegation that Richards-Wilcox Manufacturing Co. does not hire qualified Negroes is completely false, and we deny that allegation in its entirety.

Richards-Wilcox Manufacturing Co. has approximately 500 employees divided between the factory and the offices and engineering department. We have never discriminated against hiring on account of race, and we do not now so discriminate. Our labor turnover is low and most of our employees, both production and office, have been with us for many years. We are proud of the fact that we have always hired qualified applicants regardless of race, and at the present time have several people of Spanish-American or Mexican ancestry in our organization.

The last four advertisements for employees to fill vacancies caused by expansion and retirement contained the express language, "Qualified applicants will be hired regardless of race, creed or color," and it is interesting to note that in response to these advertisements of May 7, July 13, September 24 and November 8, 1961, only one Negro applicant applied for the position of assistant to the purchasing agent of our company. This man was given serious consideration, was offered the position but declined because his job, as a bricklayer in Chicago, paid him more than the position which he was considering with Richards-Wilcox.

What Mr. Holman did not advise your committee is the fact that out of 19,500-odd occupied homes in Aurora, according to the last census, 19,065 are occupied by whites and only 503 by nonwhites of all descriptions. Our Negro population is small. This is again documented by the fact that less than 1½ percent of the graduates of June 1961, of the local parochial and public schools, were Negro.

With this small supply of Negro labor available, we fail to appreciate Mr. Holman's lack of candor in his testimony concerning Aurora to your committee.

Richards-Wilcox Manufacturing Co. has always obeyed the law and we will continue to do that. We welcome the opportunity of denying Mr. Holman's charges, and we assure you that if there is further data desired by you we would be more than happy to furnish it.

Sincerely yours,

T. P. FLEMING,
Controller and Assistant Treasurer.

CHICAGO, ILL., December 5, 1961.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR MR. ROOSEVELT: Your form letter dated November 14, 1961, with which was enclosed copy of Dr. Holman's testimony before the Special Subcommittee on Labor, has been referred to me for attention by some of the companies listed on the fifth page of this document, for which I am counsel.

The caliber of the presentation and the degree of attention it deserves by your subcommittee should be indicated by the fact that one of the companies named as discrimination against Negroes (Success Mills, Inc., National Stock Yards, Ill.), has no employees of any kind. This is a trade name employed in the brokerage of feed ingredients.

The "Pulverized Manure Co., National Stock Yards, Ill." is charged with discriminating against Negro women. All six of the employees are Negroes and it employs no women.

The others of my clients listed in this paper are equally clear of Dr. Holman's assertions. The irresponsibility of such "shotgun" charges can be of no help in furthering the interests of Negroes and can only deter the work of your committee.

Respectfully yours,

W. E. ANDERLE.

VIRGINIA-CAROLINA CHEMICAL CORP.,
December 5, 1961.

HON. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
House of Representatives, Washington, D.C.*

DEAR SIR: Your letter to our East St. Louis office concerning testimony given at the Chicago hearings of your subcommittee has been directed to me. As you know, Dr. Lucien H. Holman of the NAACP listed our company among

those that discriminate against Negro women. In our view, this charge is both unwarranted and untrue.

We have only three positions in our entire Illinois operation that are held by women. Negro women have been tested and considered for these positions from time to time. The fact that these three jobs are currently held by Caucasians does not mean we are discriminating against anyone.

On the contrary, a large percentage of our company's employees are Negroes and many of them are considered to be among our most loyal and trustworthy people.

Sincerely yours,

R. CLIFTON LONG, *Secretary.*

CORN BELT LABORATORIES, INC.,
East St. Louis, Ill., November 20, 1961.

Congressman JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
House of Representatives, Washington, D.C.*

DEAR SIR: The allegation made by Dr. Lucien H. Holman on October 22, 1961, before the subcommittee of the Committee on Education and Labor that the Corn Belt Laboratories discriminates against the hiring of Negro women is without foundation.

The Corn Belt Laboratories is a very small company having but three women employees. All of the women employed do clerical and secretarial work in our one office. All three of the women presently employed have been with us many years; one being employed in 1945; another in May 1950; and the third in May 1958. Obviously, since Corn Belt has had but three occasions in the past 17 years to hire women, it is difficult to feel that the allegation made is justified. In each case the women selected were hired based on their qualifications and experience and not upon their race, color, or creed.

Respectfully yours,

EDWARD S. BOTT, *Executive Vice President.*

AMERICAN OIL CO.,
Wood River, Ill., December 4, 1961.

Hon. JAMES ROOSEVELT,
*Chairman, Special Subcommittee on Labor,
Congress of the United States, Washington, D.C.*

MY DEAR CONGRESSMAN ROOSEVELT: Thank you for giving us, by your letter of November 14, an opportunity to answer Dr. Lucien Holman's unfounded charges about our refinery here in Wood River.

Our official company policy, set out in "Employee Relations Principles" (copy attached), is "to consider each employee on his individual worth without regard to consideration of race, religion, membership in any legitimate organization, personal friendship, and the like." This policy has been adhered to in our hiring, promotion, transfer and other personnel practices at the Wood River refinery.

Dr. Holman's charge against us before your committee is puzzling, since he must know that an earlier, similar charge by the NAACP was dismissed after investigation by the Navy Department.

This investigation was conducted in November 1960, by Lt. Comdr. H. J. Murray, USN, of the Office of Inspector of Naval Material, Department of the Navy. Lieutenant Commander Murray first looked into a complaint of discrimination in the treatment of two specific job applicants; he found the complaint had no support. He then broadened his inquiry to embrace all of our employment and promotional practices at Wood River. During this inquiry the employment careers of Negroes who had worked at our Wood River refinery until their retirement were reviewed; Lieutenant Commander Murray appeared to be satisfied that these men were given equal opportunity for promotions.

In March 1961, Lieutenant Commander Murray returned to the refinery and suggested that we give the Alton office of the U.S. Employment Service official notice of our policy of nondiscrimination. This we did in a letter of March 10, 1961, a copy of which is attached.

We ourselves did not receive a copy of Lieutenant Commander Murray's formal report on his investigations. He assured us, however, that if we did not hear

further on the matter, we could assume the Navy Department was satisfied that our employment practices were truly nondiscriminatory. We have not heard further.

If I can be of any further assistance to the committee, please let me know.
Sincerely,

N. T. ROBEY, *Manager*.

Mr. LOUIS G. RUPP,
*Manager, Illinois State Employment Service,
Alton, Ill.*

DEAR MR. RUPP: The Wood River Refinery of the American Oil Co., the national marketing and manufacturing subsidiary of the Standard Oil Co. (Indiana), has, and follows, a policy of nondiscrimination because of race, religion, or creed in its employment practices. For your further information, I am enclosing a copy of the Employee Relations Principles to which this company subscribes. With regard to our policy of nondiscrimination your attention is called to the paragraph under the heading "Individual Opportunity," which contains the following wording:

To consider each employee on his individual worth, without regard to considerations of race, religion, membership in any legitimate organization, personal friendship, and the like."

Yours truly,

J. H. JOHNSEN, *Manager*.

EMPLOYEE RELATIONS PRINCIPLES

STANDARD OIL CO. (INDIANA)

A statement of objectives to which this company subscribes; a guide for management thinking and action

EMPLOYEE RELATIONS PRINCIPLES

It is a central truth in private enterprise that the success of every business organization is measured by its ability to produce an adequate profit. Earning such profit is, of course, the prime objective of our company. In striving for this goal, it is self-evident that contributions of employees—all of us, individually and collectively—represent the principal means by which it can be attained.

Accordingly, all those who direct the efforts of others in the company need to be guided by specific concepts of building relationships among our people that will encourage optimum contributions by each employee. It is our conviction that conscientious adherence to these principles will create a climate which will both permit employees to gain satisfaction from their work and stimulate their maximum contributions to the operation of the company.

Our employee relations principles set forth the essential elements of this philosophy as a guide to all management personnel. The principles present a statement of specific objectives to which this company is pledged. We must not fail to gain these goals because they are not understood or because they are not intensively applied by all. Every management representative must work consistently and sincerely to increase his skill to apply these principles in his everyday activities affecting others.

These concepts constitute this company's philosophy—in other words, its corporate way of life in which we believe and which we strive to attain.

RECOGNITION OF THE INDIVIDUAL

We believe—

That each person, no matter what his job, should feel that, as an individual, he is given the opportunity to develop his talents, to exercise responsibilities commensurate with the requirements of his position, and to receive recognition for his successful efforts.

Therefore we strive—

To assure that each individual understands fully the demands, limitations, and opportunities of his assignment, and discharges his accountability within the framework of this understanding.

To delegate, with each assignment of responsibility, sufficient authority to insure freedom of action necessary to insure accomplishment.

To pay individuals in accordance with the responsibilities assigned and their performance of these responsibilities with appropriate consideration for competitive levels of compensation.

To give credit promptly and generously when credit is due.

To give guidance and criticism where due, always in tempered fashion, as privately as possible, and in such manner that the individual may be helped to learn by his mistakes.

To assure that each employee is informed about his personal status and of circumstances which affect him and the group of which he is a part.

To assure that systems, organization structures, and procedures are developed and applied as a means of implementing the successful efforts of the individuals and groups by whom and for whom they are made, rather than be considered as ends in themselves.

To accept in principle, and honor in practice the right of employees to belong to or not belong to any legitimate labor organization.

INDIVIDUAL OPPORTUNITY

We believe—

That each employee must be given the opportunity for personal progress in the company.

Therefore we strive—

To utilize to the fullest possible extent each employee's talents and enthusiasms for the good of the business, and for the good of the individual.

To instill in each employee a desire to interest himself in the affairs of the company over and above the minimum requirements of his job.

To consider each employee on his individual worth without regard to considerations of race, religion, membership in any legitimate organization, personal friendship, and the like.

To make evident to employees that as opportunities arise they are made available to individuals on a fair and equitable basis.

SENSE OF BELONGING

We believe—

That generally each individual will realize his fullest potential, make his greatest contribution, and attain his greatest personal satisfaction when he is identified with and feels that he is a part of the group.

Therefore we strive—

To establish the habit of voluntary consultation and free exchange of information, to the end that every decision will be as broadly based as practicable.

To encourage every employee to express his ideas and viewpoints fully, openly, and frankly.

To be receptive and considerate of the ideas and opinions of others and to encourage like consideration from individuals whose activities we direct.

To make employees aware that they are a part of a strong and progressive organization and have a genuine responsibility and stake in the success of the company.

FAIRNESS

We believe—

That productive and satisfying relationships can best be maintained when fairness and justice characterize the attitude and behavior of the people concerned.

Therefore we strive—

To act on the principle that no circumstance can justify or excuse consciously unjust or unfair dealings among people.

To fully understand, and carefully weigh, the other person's point of view.

To protect the sensibilities of others from needless injury.

SECURITY

We believe—

That an individual who wants to do his best work is most likely to do so if he has reasonable confidence as to his security.

Therefore we strive—

To provide a system of employee benefits to assist individuals in making provision for protection against insecurity in time of sickness or old age and for their dependents in case of the employee's death.

To provide through success of the company the inner security arising from consciousness on the part of most employees that their employment is secure.

To ease, as possible, the impact of necessary progress and change upon those employees who are adversely affected by such changes.

To provide physical security through unrelenting efforts to remove all preventable accident hazards and to insist that no work is so urgent that it need be done without suitable safety precautions.

RIGHTS AND OBLIGATIONS

We believe—

Working together implies certain rights and imposes corresponding obligations that must be adhered to in order to maintain successful, profitable operations and effective relationships.

Therefore we strive—

To observe and cause others to observe the following principles:

Each individual has the right of privacy when off the job; nevertheless, he has the obligation to conduct himself so that his actions off the job will not have a detrimental effect on the reputation of the company.

Each individual has the right to have time free of the responsibility of his job and, conversely, the obligation of industriousness during the working hours of the day.

Each individual has a responsibility to lead when his leadership is required, and to comply with the leadership of others when that becomes his obligation.

SHIFRIN, TREIMAN, AGATSTEIN & SCHERMER,
St. Louis, Mo., November 29, 1961.

COMMITTEE ON EDUCATION AND LABOR,
House of Representatives, Congress of the United States,
Washington D.C.

(Attention: Mr. James Roosevelt, Chairman, Special Subcommittee on Labor).

GENTLEMEN: We represent Atlas Building Materials Corp. of East St. Louis, Ill., to whom you sent a copy of a statement of one Dr. Lucien H. Holman, Joliet, Ill., purportedly relating to racial discrimination in employment in Illinois.

Your letter of November 14 refers to your rule permitting written replies to allegations made in testimony before you.

On page 4 of Dr. Holman's statement our client is listed among companies allegedly discriminating against Negro women.

This is to advise you that the statement is utterly unfounded and completely unfair and most damaging to my client's business. The truth of the matter is that Atlas Building Materials Corp. is a small company dealing in ready mixed concrete. It has a small office at 2000 Missouri Avenue in East St. Louis, Ill., in which there are three women employees, one of whom is a Negro. Of the other two, one has been in the employment of the company for a period in excess of 30 years and the other for a period of approximately 10 years. There has been no replacement of employees during this time nor any occasion for such replacement. The question of race, color, or creed in this case is utterly irrelevant and to inject such question at this point can only be classified as vilification. We, therefore, feel that Dr. Holman in this instance has heedlessly, thoughtlessly, and without proper investigation placed in the record an utter falsehood that unjustifiably injures the reputation of an innocent business firm.

If there is anything that can be done to halt this type of libel it would seem it would be the duty of your committee to do so.

Very truly yours,

SYLVAN AGATSTEIN.

NORTH AMERICAN COLD STORAGE,
St. Clair County, Ill., November 20, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR SIR: Wish to acknowledge receipt of your letter of November 14, 1961, with copy of Dr. Holman's testimony enclosed.

We were, indeed, very much surprised to read that our firm was engaged in discriminatory employment practices.

For years we have used an average of 85 to 90 percent Negro help in our organization, some of these men being here 25 and 30 years. At the present time our percentage runs better than 85 percent Negro.

I also wish to state that due to the nature of our work which consists of handling heavy products, going in and out of freezers, we do not use women.

We, therefore, feel Dr. Holman was not given a true picture of our operations.

Sincerely yours,

EDWIN G. BARMANN, General Manager.

RAILSTON PURINA Co.,
Bloomington, Ill., December 6, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, House of Representatives, Washington, D.C.

DEAR SIR: This is in connection with your letter of November 14, 1961, referring to hearings on the subject of equal employment opportunity in Chicago. Dr. Lucien Holman has testified that our firm engaged in discriminatory employment practices.

In the transcript of the statement enclosed with your letter it is stated that Dr. Holman said, "Purina Chow Co. works 500 people on 2 shifts. But hires no Negroes."

The facts are as follows:

(1) We do not employ 500 people, and never have employed more than 215. Our present employment is 131 people.

(2) We have not had a Negro applicant at our plant for over 2 years.

(3) We have been laying off, rather than hiring employees. We have hired only one new employee in the past several years.

I know of no reason for Dr. Holman to make the statement that appears in the testimony.

Thank you for the opportunity of refuting the statements of Dr. Holman.

Sincerely yours,

N. B. MOREY, Manager.

GENERAL REFRACTORIES Co.,
Philadelphia, Pa., December 27, 1961.

HON. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, House of Representatives, Washington, D.C.

DEAR SIR: Thank you for your letter of November 14, 1961, and the enclosed statement presented on October 22, 1961, before the Committee on Education and Labor of the House of Representatives by Dr. L. H. Holman, president of the Illinois State Branch, NAACP.

We appreciate your calling Dr. Holman's statement to our attention and inviting our comments.

During the latter part of July of this year it came to our attention that Dr. Holman presented a statement, of a somewhat similar nature on April 10, 1961, before the Industrial Affairs Committee of the State of Illinois. In view of the

inaccuracies in Dr. Holman's statement pertaining to General Refractories, Joliet, Ill., establishment, I wrote the attached letter to Dr. Holman. I believe our letter states our position fully and contradicts his statement made before the Illinois Industrial Affairs Committee.

Dr. Holman replied to our letter under date of November 13, 1961, a copy of which is enclosed.

It is the company's position that Dr. Holman's statements are too general in nature and are not based on facts.

All of the production and maintenance employees in our Joliet establishment are represented for the purpose of collective bargaining by the United Steelworkers of America.

The terms of employment are set forth in a written labor contract. All employees are eligible for any job available in the bargaining unit, skilled or unskilled, subject only to qualification and seniority.

We have an all colored plant committee who have the privilege under the labor agreement to question all job assignments. They have never to my knowledge, in 17 years, seen fit to question any job assignments where qualification has been an issue.

The seniority provision of the labor contract makes no distinction as to color or for any other reasons.

Our supervisory personnel are usually recruited from college graduated ceramic engineers. We have no knowledge that any are available in the Joliet area. If there are, none have ever applied to the company for positions.

It is true we have no Negroes working in our office, however, it should be pointed out that we have not had but one change in our office personnel in approximately 10 years and the vacancy was filled on the basis of skill and qualification.

In summation, it would appear that Dr. Holman is more interested in an attempt to indite than he is in factual conditions. We feel that his comments in his statement before your subcommittee on October 22, 1961, are erroneous and without fact.

Very truly yours,

R. S. PARSONS,
Manager of Industrial Relations.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Joliet, Ill., November 13, 1961.

Mr. R. S. PARSONS, Manager, Industrial Relations,
General Refractories Co., Joliet, Ill.

DEAR MR. PARSONS: On August 10 you wrote me concerning the number of Negro employees employed by your company. The number that you give is very impressive; however, I would like to point out that all but a few of the 230 Negro employees are doing unskilled labor, the rest semiskilled. You have no Negroes working in the office or in managerial positions. This is what we refer to in our report of your company.

I am sorry I have not answered your letter before now.

Very sincerely yours,

Dr. L. H. HOLMAN, President,
Illinois State Branch, NAACP.

AUGUST 10, 1961.

Dr. L. H. HOLMAN,
Illinois Conference of Branches,
National Association for the Advancement of Colored People,
Joliet, Ill.

DEAR DR. HOLMAN: We recently received a copy of your comments presented on April 10, 1961, before the Industrial Affairs Committee of Illinois in support of bill S.B. 195, to establish a Fair Employment Practices Commission.

We noted with some concern your remarks particularly about General Refractories Co. in the Joliet area. In view of your remarks we must assume that you have been furnished with incorrect facts.

First, let me make it clear that we appreciate your interest in the matter to which you addressed yourself and do not take issue with the proposition you support, that is, the establishment of a Fair Employment Practices Commission.

We are primarily concerned with your knowing something about our company and the true facts about its employment policies.

General Refractories Co. is a Pennsylvania corporation founded in 1915. We operate a number of plants in 12 States including Texas, Georgia, Illinois, and Missouri.

All of our production and maintenance employees are represented for purposes of collective bargaining by several international union organizations.

At the present time we employ approximately 3,200 employees. A recent companywide survey shows that approximately 60 percent of these employees are colored employees. In our Joliet plant for example, as of July 1, 1961, we employed 356 employees. Of this number 230 are colored and 126 are white.

At none of our plants including our Joliet and Rockdale, Ill., plants do we have any type of employment quotas or employment policies that discriminate against any race, creed, or religion. Our sole employment standard is physical fitness and a reasonably satisfactory past employment record.

In no instance either at our Joliet and Rockdale, Ill., plants or at any of our other plants do we have any terms or provisions in our labor agreements or any company policies that can be construed to be discriminatory against any employee. Every employee, regardless of race or religion, has equal rights with respect to jobs, wages, and other working conditions.

At our Joliet plant some of our most important and highest rated jobs are held by colored persons. The average hourly earnings for all employees at Joliet exceeds \$3 per hour plus additional fringe benefits such as insurance, holiday pay, pension program, etc. which costs the company an average of \$0.75 per hour.

I have been personally servicing the Joliet and Rockdale plants' labor relations matters together with Mr. Anson our resident district manager for a period in excess of 17 years. During this period I have had the occasion to transact business with Messrs. Nathan Richison now deceased, Lawrence Franklin, Cornelious Craig and Charles Winters all of whom are colored and have at one time or another held the office of president of the Joliet-Rockdale union local. Both the company and the local Joliet management has always had the greatest respect for the above gentlemen and I feel that I enjoy a personal friendship with each of them.

During the period I have been handling industrial relations for the company, I have had occasion to meet with the above gentlemen on many occasions and at no time have any one of them or other members of the union committees ever made any complaint concerning our employment practices, or indicated that our company policies are discriminatory against anyone.

I am sure that you must personally know some of the persons whose names I have mentioned. I am sure that anyone of them will confirm the facts set forth herein.

Again we say that we do not take issue with the proposition you support. We do however, dislike being accused of discrimination against any group when such is not the fact. We have always been rather proud of the fact that we do not have discriminating policies or practices.

I trust that at some time in the near future when I am in Joliet I may have the opportunity of meeting you personally and telling you more about our company.

Very truly yours,

R. S. PARSONS,
Manager, Industrial Relations, General Refractories Co.

OWENS-ILLINOIS,
Toledo, Ohio, February 15, 1962.

Mr. JAMES ROOSEVELT,
*Chairman, Committee on Education and Labor,
Special Subcommittee on Labor,
U.S. House of Representatives,
Washington, D.C.*

DEAR MR. ROOSEVELT: I am sorry that I have not replied to your letter of January 30 sooner, but I have been in a wage conference in Chicago with one of our unions and did not have an opportunity to reply.

I know that you appreciate the fact that some disgruntled person may file a complaint against any company on occasion.

I am attaching a copy of the policy that we have in Owens-Illinois, and certainly we expect this to be carried out. We hope that this is the type of reply you wanted on this complaint.

With kindest regards,

W. BOYD OWEN.

MARCH 31, 1955.

OWENS-ILLINOIS GENERAL POLICY

Subject: Standard policy on discrimination in personnel actions.

Statement: It is the policy of Owens-Illinois to base employment, promotion, and all other personnel actions solely on the basis of individual merit and fitness, irrespective of race, color, religion, or national origin.

Discussion: 1. Reasons for adoption: This policy has been adopted because it is morally right and in keeping with the trend toward integration in our society and because it will bring definite advantages to Owens-Illinois, such as:

(a) Our reservoir of capable applicants will be increased, resulting in raising the level of the quality of people throughout the organization.

(b) Loyalty, attendance, and productivity of properly selected minority people have proven to be above average.

(c) It will have a beneficial effect on the company's public relations.

2. All personnel actions: The words "all other personnel actions" in the policy statement include, but are not limited to, transfer, recruitment advertising, layoff, demotion, discipline, termination, rates of pay, training, and recreational activities.

C. R. MEGOWEN.

ELECTRIC ENERGY, INC.,
Joppla, Ill., December 20, 1961.

Hon. JAMES ROOSEVELT,
Chairman, Special Subcommittee on Labor, House of Representatives, Washington, D.C.

MY DEAR MR. ROOSEVELT: This letter and the attached statement and supporting affidavits are in reference to your letter of November 14 enclosing a copy of Dr. Lucien H. Holman's testimony at the recent Chicago hearings of the Special Subcommittee on Labor on the subject of equal employment opportunity.

We appreciate very much the opportunity of submitting a reply to Dr. Holman's statements.

Respectfully yours,

J. G. KOOPMAN, *President.*

STATEMENT OF J. G. KOOPMAN, PRESIDENT, ELECTRIC ENERGY, INC.

Thank you for your letter of November 14, 1961, enclosing copy of statement of Dr. Lucien H. Holman, State president of the Illinois Conference of NAACP, made at hearings in Chicago before a Special Subcommittee on Labor of the Committee on Education and Labor of the House of Representatives. We welcome the opportunity of correcting inaccuracies in the statement of Dr. Holman relating to Electric Energy, Inc., and its president.

By way of general information, Electric Energy, Inc., was organized late in 1950 by Union Electric Co., Central Illinois Public Service Co., Illinois Power Co., Kentucky Utilities Co., and Middle South Utilities Co. for the purpose of constructing a steam electric station at Joppla, Ill., with its production primarily devoted to the Atomic Energy Commission installation in Paducah, Ky. area. The first president of the company was J. W. McAfee of Union Electric who held that position until October 12, 1955. However, the executive officer actually in charge of the station and responsible for its management and operation during the presidency of Mr. McAfee was Turner White, Jr., who was vice president during that time. Mr. White assumed the presidency on October 12, 1955, and continued in that capacity until his retirement June 1, 1961. The undersigned served as general plant superintendent from March 16, 1952, until October 12, 1955, when he became vice president, and has been a member of the board of directors since January 9, 1957, and president since June 1, 1961.

Prior to completion of the station, a skeleton administrative, executive, and operating force was assembled largely from the participating utilities. The balance of the personnel was then hired over a relatively extended period of time because of intensive training requirements prior to commencement of

actual operations and because all units were not placed on the line together but as construction and adequate training of personnel permitted.

Because the entire operation was a new undertaking, qualifications for all classes of employment were set high. A conscious effort was made to secure young employees who showed potential for future advancement within the organization. The success of this effort is shown in present turnover of less than 1 percent. Applications for employment were extremely heavy. At no time and in no way, either in advertisements for employees, in application forms for employment, or in the processing of employment applications or in actual employment was any consideration given to race, color, or creed. With the exception of the skeleton force noted above, and a very few specialized positions requiring unusual training, employment was made on the basis of qualification pursuant to written applications and interviews.

Following the early construction period, to assure that no information relative to race, color, or creed reached administrative or executive personnel, application forms were made available only at the security office and at several public places in Massac County. Applications were accepted by mail and by delivery from the security office.

During my tenure as vice president, I prepared a memorandum at the request of Mr. White covering this subject in detail. In that memorandum I stated in part as follows:

"In the early part of 1952, a group of Negroes called upon me with reference to securing employment as janitors. At that time, we were not employing janitors and this group was so informed. Further, if they would make an application it would be given equal consideration with other applicants. This seemed to satisfy the group. At that time, our janitorial services were furnished by construction.

"During the construction period, our people were approached by both colored and white for employment with our company, and they were referred to Mr. Frank Grammer who gave to each an application for employment. The majority of these applications were never returned. Our application for employment forms were prepared so as to eliminate discrimination as the form does not include any reference to race, creed, or color. We received so many applications for common labor type of work that these applications were kept in our active file for only a period of 30 days.

"As it was very difficult during this early period to secure skilled help such as electricians, machinists, operators, etc., this type of application was filed under the occupational classification and kept active for a longer period of time so as to be used for future reference. At no time did we ever receive a verbal application for a skilled classification from a Negro. We advertised for skilled and professional classifications in many newspapers and trade magazines. The text of these advertisements made no reference as to race, creed, or color. A typical ad is attached covering an advertisement for experienced mechanics (exhibit A). As the construction forces were reduced in the Paducah and Metropolis area, we were being flooded with applicants. We closed our gates to walk-in applicants and placed a supply of application-for-employment forms in the security office. These forms were handed out to any person requesting one without any discrimination as to color. These forms were forwarded daily to our employment office and filed according to job classification. Those for unskilled positions were kept only a short period of time in our active file of not more than 60 days and then placed in what we call our inactive file. Whenever we had need for a certain job classification, the application for employment forms were reviewed and selection was made from these forms. We then contacted the party selected and granted a personal interview. If, from this interview, the applicant appeared to be favorable, reference checks were mailed and a request for security check was made to the Retail Credit Bureau. None of our selections ever included a Negro. However, there was no discrimination made in this selection as we had no way of knowing as to whether or not the party selected was white, Negro, or otherwise. This policy has been followed without exception and is still in effect.

"I have had many applicants call at my home, but at no time, has a Negro ever asked me for employment. Those calling at my home were told to fill out an application for employment form and they would be given consideration along with others. If a Negro had called at my home, he would have been told the same and the initial selection for an interview would have been made from his application for employment. Then again, our employment supervisor would have had no knowledge as to whether or not the applicant was Negro or white.

"As you know, we have been employing but a very small number of permanent people the last 2 years, and our labor turnover is approximately 1 percent. As we have hundreds of applications in our files for unskilled positions, our people scrutinize the applications very closely and secure for interviews those which they believe to be best qualified. It may seem strange that no Negroes have been selected, but this is only coincidental as I assure you when writing for interviews, our people have no knowledge as to whether the applicant is white or colored. Again, in our recent search for temporary skilled mechanics and electricians, for which advertisements were placed in local and southern Illinois papers and also in the Paducah Sun-Democrat, not one applicant to our knowledge was a Negro, as we requested a personal interview from all replies indicating that they had experience in the skills which we required.

"In Mr. Strickland's letter to Mr. Houchin, he states 'I feel safe in saying that there are around 800 or 1,000 Negroes that are of working age, and are qualified to hold jobs on powerplant operations.' I sincerely question this statement as there are very few Negro families in Massac County, and I have been informed that none of these are skilled. Further, we have certain counties in Illinois wherein no Negroes reside. We have attempted to hold our manpower requirements to the very minimum as evidenced in comparing our manpower per man-hour with that of other similar sized powerstations in this vicinity. In order to do this, we have established high qualifications for our employees, and they have been selected upon that basis, and if any Negroes had met these qualifications, they would have been given equal consideration. If we were to employ a Negro upon any other basis except qualification just to prevent criticism, then we would certainly be discriminating against those with higher qualifications."

A copy of that memorandum in full is attached marked exhibit 1. The statements therein accurately reflect the procedures followed by this company to its date and the practices followed since that date.

With reference to certain specific statements of Dr. Holman, Mr. White advises that at no time as president of Electric Energy, Inc., or otherwise, has he "admitted that a preferential hiring system screens out all Negroes" at EEI. Mr. White further advises that at no time as president of EEI, or otherwise, has he "complained about the pressure exerted on him by the International Operating Engineers Union to bar Negroes" from employment at EEI.

While there is reason to believe that the statement of Dr. Holman has reference to Mr. White, at no time as president of EEI, or otherwise, have I "admitted that a preferential hiring system screens out all Negroes" at EEI, or "complained about the pressure exerted on him (me) by the International Operating Engineers Union to bar Negroes" from employment at EEI.

With the exception of the statements of Dr. Holman, there have been no other allegations of discrimination with reference to EEI with the exception of certain complaints which have been passed upon by the President's Committee on Government Contracts, and which we propose to review now. It is considered that the exhibits to be offered herein, which were developed in connection with those complaints, accurately and factually reflect the employment practices of EEI. They are presented here as a matter of expediency and as factual materials which have previously satisfied the President's Committee on Government Contracts with respect to complaints similar to those contained in the statements of Dr. Holman.

On November 20, 1956, EEI was notified of a complaint by Julian Strickland of discriminatory employment practices. A copy of that notification is attached marked "Exhibit 2," and a copy of his complaint is attached marked "Exhibit 3."

Pursuant to that notice my memorandum noted above as exhibit 1 was made to Mr. White. On December 4, 1956, Mr. White replied at length to that notification and complaint, stating in part:

"The EEI does not have discriminatory employment policies. Our application forms have no blanks on which the race of the applicant can be shown. In advertising for skilled and professional classifications in newspapers and trade magazines, we have made no reference to race, creed or color.

"We employ no Negroes at this time, but we have not refused to employ them. A group of Negroes called on us in 1952 seeking employment as janitors. At that time we were not employing janitors, and they were so informed. They were also told that if they would make application later their applications would be given due consideration. During the construction period, all applicants, both colored and white, were referred to Mr. Frank Grammer, who gave to each of them an application for employment. The forms were filed in our

employment office according to job classifications without any discrimination. Those for unskilled positions were kept only for a short period of time in our active file, and in not more than 60 days were placed in an inactive file. Whenever we had need for an employee of a certain job classification, the application forms were reviewed, selections were made from them, and the party selected was granted a personal interview. When these selections were made, we had no way of knowing whether the party selected was white or Negro.

"Our requirements are largely for skilled labor. In our experience, construction employees are frequently unsatisfactory in that they are not accustomed to permanent employment in one locality. Our selections have been made on the basis of what appears to us to be qualifications for the job, without considering race, creed or color.

A copy of his full letter is attached marked "Exhibit 4." It is my opinion that my memorandum and his letter accurately set forth the employment policies followed by EEI at all times during its existence and followed by it today.

On April 30, 1957, certain quarterly employment reports by EEI beginning with March 31, 1956, were requested. These reports were furnished regularly until discontinuance was authorized by letter of March 12, 1958, a copy of which is attached marked "Exhibit 5."

On November 6, 1958, EEI was notified of the closing of the Strickland case by letter of the Atomic Energy Commission, a copy of which is attached marked "Exhibit 6." This notification was pursuant to a letter of the President's Committee on Government Contracts which read:

"The investigative report of the subject complaint was presented to the committee at its recent meeting.

"Following a thorough review of the findings of the investigation as set forth in the report the committee decided to close the case.

"We shall appreciate it very much if you will inform the contractor of the action the committee has taken with regard to the complaint."

A copy of the committee's letter is attached marked "Exhibit 7."

On November 12, 1957, during the period of consideration of the Strickland complaint, EEI was notified of a further complaint. In this instance by Mrs. Charles J. Jackson. A copy of the letter of notification is attached marked "Exhibit 8." A copy of her complaint is attached marked "Exhibit 9."

A copy of the reply of Mr. White with reference to the complaint of Mrs. Jackson is attached marked "Exhibit 10." This matter was transferred to an inactive status as shown by "Exhibit 5" above dated March 12, 1958.

We consider the review of our employment practices by the President's Committee on Government Contracts and its disposition of complaints a clear determination that we had not been guilty of discrimination. We were and are gratified with those findings but acknowledge that discrimination is an insidious element in our society which must be the object of unceasing effort in order that it does not intentionally or unintentionally invade any area of our activities.

This company has carried on an active and persistent program aimed at avoiding any taint of discrimination. Posters entitled "Equal Employment Opportunities" issued by the President's Committee on Government Contracts were first made available to us December 2, 1955, and additional posters were ordered December 7, 1955. Additional posters were furnished November 20, 1956, and additional posters were ordered December 3, 1956. These posters were placed on display on our premises in prominent places each time upon their receipt. Copies of correspondence relative to those posters and related materials are attached marked "Exhibits 11 to 17" inclusive.

On April 9, 1956, the manual "Equal Job Opportunity Program" was made available to us. This manual of the President's Committee on Government Contracts was called to the attention of all pertinent management personnel by my memorandum of April 10, 1956, which stated as follows:

"I am attaching a manual entitled "Equal Job Opportunity Program" furnished us by the Atomic Energy Commission in reference to our current contract between Electric Energy, Inc. and the Atomic Energy Commission.

"Please read the bulletin very carefully, and be certain that our posters covering job discrimination are posted in conspicuous places. All section heads should be informed of our legal obligation in respect to nondiscrimination as referred to in the attached booklet.

"At the bottom of this page is a space provided for the initial and date to indicate that you have read this booklet. The last person so listed will return the booklet to my attention."

A copy of the memorandum in full is attached marked "Exhibit 18." At that time the manual and the posters were drawn to the attention of Local No. 314 of International Union of Operating Engineers AFI-CIO, bargaining agent for our employees, and we received no comment of any sort from them indicating any lack of sympathy with or opposition to the program thereby outlined. On February 19, 1959, we were furnished with a copy of "Compliance Guide" issued by the President's Committee on Government Contracts. This was made available to pertinent personnel by my memorandum of February 26, 1959, wherein I stated in part "As in the past we will continue our nondiscriminatory employment policy. Those concerned with purchasing, preparing contracts, and employment of people should study this booklet very carefully." A copy of the memorandum is attached marked "Exhibit 19."

Our basic contract with the Atomic Energy Commission prohibits discrimination and all other contracts or subcontracts relating to our station or its operation carry nondiscrimination clauses, a copy of that clause is attached marked "Exhibit 20." All our purchase orders carry a nondiscrimination provision as shown in copy thereof attached and marked "Exhibit 21." Our forms for application for employment in no way indicate race of the applicant as shown by copy attached marked "Exhibit 22." Our union contract carries provision that it is subject to all applicable Federal and State laws and regulations having the effect of laws. We intend in every respect to continue to the fullest our practice of nondiscrimination which was commenced with the organization of the company.

Shortly after assuming the presidency of the company, on August 9, 1961, I issued a memorandum, a copy of which is attached marked "Exhibit 23," to insure a thorough understanding by all personnel of my attitude on this question and as a directive as to company policy. In this memorandum I stated:

"The company, from the very beginning has taken steps to see that we have complied with section 7.13, "Antidiscrimination," of contract No. AT-(40-1)-1312 between Electric Energy, Inc., and the U.S. Atomic Energy Commission. Our employment practices have been reviewed from time to time in order to ascertain if we were complying with various Presidential orders governing nondiscrimination on Government contracts. Since that time, we have kept you informed of President Kennedy's Executive order as well as the recent FEPC statute passed by the Illinois Legislature and enacted into law by signature of the Governor.

"We must continue reviewing our employment practices in order to be certain we have not become careless or permitted any oversight that will place us in jeopardy of violating our contract with the Atomic Energy Commission, the recent Executive order signed by President Kennedy or violating the State FEPO law.

"Each of you are requested to make a personal review of our employment practices and, in the very near future, a staff meeting will be held to discuss any recommendation as to changes that should be made in order to assure ourselves that we are complying fully with all regulations pertaining to nondiscrimination.

"Although we have taken every means to assure ourselves applications for employment in no way indicates race, creed or color, we must be certain our security officers and other employees do not notify us, in advance of the color or race of an applicant being admitted to the premises for a personal interview. All applicants must be considered on their qualifications for the particular job or position for which they are applying."

This is my attitude on this subject and will be the policy of the company during my tenure as president. No applicant has been and no applicant will be given special consideration due to race, color, or creed, and by the same token no applicant has been and no applicant will be denied employment by reason of race, color, or creed.

Your letter states that Dr. Holman "testified" that our firm engaged in discriminatory employment practices and offered us the opportunity to file with the subcommittee a "written reply to the allegations." From your letter it is not clear that Dr. Holman did or did not make his statement under oath and it is not suggested that if so we reply in kind. However, please be assured that both Mr. White and I are prepared to attest to the accuracy of all statements herein and exhibits attached hereto if such procedure be appropriate or in order.

Your indulgence and cooperation in making this letter with exhibits a part of the record of the subcommittee will be appreciated.

Respectfully yours,

J. G. KOOPMAN, *President.*

EXHIBIT 1

MEMORANDUM

NOVEMBER 27, 1956.

To: Turner White, Jr.
From: J. G. Koopman.
Subject: Discrimination complaint, Julian Strickland.

This is in reference to the discrimination complaint filed with the President's Committee on Government Contracts by Julian Strickland against Combustion Engineering Co., and Electric Energy, Inc.

I will first comment upon EEI's employment procedures, and I am attaching as a separate report Combustion Engineering Co.'s statement regarding their employment policies and their discussion with Mr. Strickland.

In the early part of 1952 a group of Negroes called upon me with reference to securing employment as janitors. At that time, we were not employing janitors and this group was so informed. Further, if they would make an application it would be given equal consideration with other applicants. This seemed to satisfy the group. At that time, our janitorial services were furnished by construction.

During the construction period, our people were approached by both colored and white for employment with our company, and they were referred to Mr. Frank Grammer who gave to each an application for employment. The majority of these applications were never returned. Our application for employment forms were prepared so as to eliminate discrimination as the form does not include any reference to race, creed, or color. We received so many applications for common labor type of work that these applications were kept in our active file for only a period of 30 days. As it was very difficult during this early period to secure skilled help such as electricians, machinists, operators, etc., this type of application was filed under the occupational classification and kept active for a longer period of time so as to be used for future reference. At no time, did we ever receive a verbal application for a skilled classification from a Negro. We advertised for skilled and professional classifications in many newspapers and trade magazines. The text of these advertisements made no reference as to race, creed, or color. A typical ad is attached covering an advertisement for experienced mechanics (exhibit A). As the construction forces were reduced in the Paducah and Metropolis area, we were being flooded with applicants. We closed our gates to walk-in applicants and placed a supply of application-for-employment forms in the security office. These forms were handed out to any person requesting one without any discrimination as to color.

These forms were forwarded daily to our employment office and filed according to job classification. Those for unskilled positions were kept only a short period of time in our active file of not more than 60 days and then placed in what we call our inactive file. Whenever we had need for a certain job classification, the application-for-employment forms were reviewed and selection was made from these forms. We then contacted the party selected and granted a personal interview. If, from this interview, the applicant appeared to be favorable, reference checks were mailed and a request for security check was made to the retail credit bureau. None of our selections ever included a Negro. However, there was no discrimination made in this selection as we had no way of knowing as to whether or not the party selected was white, Negro, or otherwise. This policy has been followed without exception and is still in effect.

I have had many applicants call at my home, but at no time, has a Negro ever asked me for employment. Those calling at my home were told to fill out an application for employment form and they would be given consideration along with others. If a Negro had called at my home, he would have been told the same and the initial selection for an interview would have been made from his application for employment. Then again, our employment supervisor would have had no knowledge as to whether or not the applicant was Negro or white.

Now with reference to the discrimination complaint made by Julian Strickland (exhibit B). He wrote to us on July 2, 1951, enclosing a stamped envelope requesting an application for employment. You will note from the photostatic copy of this letter, he made no reference as to his race. An application for employment was mailed to him which he completed on August 20, 1951, and was received in our office on August 21, 1951. In our letter of July 24, 1951, we suggested that Mr. Strickland call at our office for an interview. None of us can recall as to whether or not Mr. Strickland made a personal contact with any of our people as we did not have an employment office established at that time.

On April 22, 1952, Mr. Strickland wrote a letter checking on the status of his application. A reply to this letter was made April 29, 1952, and signed by Mr. E. M. Marselli. At that time, Mr. Marselli reviewed his application and did not know as to whether Mr. Strickland was colored or white. As stated previously Mr. Strickland's application was placed in our inactive file. He again checked on his application May 15, 1955. Following receipt of this letter, our Mr. Grammer checked through our inactive file and found Mr. Strickland's application. It was then placed in the active file and he was so informed. Again stating, Mr. Grammer had no knowledge as to Mr. Strickland's race, creed, or color. On November 10, 1955, we received an undated letter from Mr. Strickland complaining about the fact that he was not given a job with our company, and requesting information as to what chance he had of securing employment.

This letter of Mr. Strickland's was our first indication that he was a Negro. I personally reviewed Mr. Strickland's application and found that he gave color of eyes: grey, color of hair: sandy; and as we have no restricted residential district in Metropolis, certainly our people would have considered Mr. Strickland's color as being white. Following receipt of Mr. Strickland's letter, I wrote to him on November 17, 1955, explaining this to him, and suggested that he complete another application for employment form. This request was made due to the fact we had revised our application forms to include any police record which is in keeping with our security checks. On the revised form, Mr. Strickland indicated a police record that, by our employment standards, automatically eliminated him as a suitable applicant as it has not been our practice to employ any of our permanent personnel with a police record such as he indicated on his revised application report.

From Mr. Strickland's letter dated July 8, 1956, to Mr. Joseph Houchin of the Government Contractors Compliance Committee, Washington, D.C., a copy of which was furnished me by Mr. Stiller of AEC, we learned that several other Negroes had their applications with us. This we did not know as, again repeating from our application forms, we have no way of knowing as to their race, creed, or color. However, we checked through our files and could find only one of the applications mentioned by Mr. Strickland in this letter. This application was dated January 23, 1955, and mailed to us and received January 25, 1955, and by Ethelbert Hester of Joppa, Ill. Again, from this application, our employment people had no knowledge as to his race, creed, or color, as the color of eyes was given as brown and color of hair was given as black. A copy of this application is attached (exhibit C).

As you know, we have been employing but a very small number of permanent people the last 2 years, and our labor turnover is approximately 1 percent. As we have hundreds of applications in our files for unskilled positions, our people scrutinize the applications very closely and secure for interviews those which they believe to be best qualified. It may seem strange that no Negroes have been selected, but this is only coincidental as I assure you when writing for interviews, our people have no knowledge as to whether the applicant is white or colored. Again, in our recent search for temporary skilled mechanics and electricians, for which advertisements were placed in local and southern Illinois papers and also in the Paducah Sun-Democrat, not one applicant to our knowledge was a Negro, as we requested a personal interview from all replies indicating that they had experience in the skills which we required.

In Mr. Strickland's letter to Mr. Houchin, he states, "I feel safe in saying that there are around 800 or 1,000 Negroes that are of working age, and are qualified to hold jobs on powerplant operations." I sincerely question this statement as there are very few Negro families in Massac County, and I have been informed that none of these are skilled. Further, we have certain counties in Illinois wherein no Negroes reside. We have attempted to hold our manpower requirements to the very minimum as evidenced in comparing our manpower per megawatt with that of other similar sized power stations in this vicinity.

In order to do this, we have established high qualifications for our employees, and they have been selected upon that basis, and if any Negroes had met these qualifications, they would have been given equal consideration. If we were to employ a Negro upon any other basis except qualification just to prevent criticism, then we would certainly be discriminating against those with higher qualifications.

J. G. KOOPMAN.

EXHIBIT 2

U.S. ATOMIC ENERGY COMMISSION.

Paducah, Ky., November 20, 1956.

Subject : Discrimination complaint—Julian Strickland.

ELECTRIC ENERGY, INC.,

JOPPA, ILL.

(Attention : Mr. Turner White, President).

GENTLEMEN : Enclosed is a copy of a discrimination complaint filed with the President's Committee on Government Contracts by Julian Strickland against your company.

This complaint has been referred to the Atomic Energy Commission for the purpose of making an investigatory report of the matter. In order that such a report may be supplied, it is requested that you provide us with a written explanation of the many facets of Mr. Strickland's allegations, including the following :

1. That EEI and Combustion Engineering Co. have discriminatory employment policies ;

2. That EEI has refused to employ Negroes and that there are no members of that race among the employees of the company ;

3. That the superintendent of Combustion Engineering Co. has informed Mr. Strickland that the company does not want to work Negroes.

We trust you recognize that the nondiscrimination provision contained in your contract with this Commission is an integral part of that contract. Your explanation of the allegations will be subject to review by the highest levels of the AEC and the Federal Government.

We shall appreciate receiving your explanation of the allegations, as well as any pertinent comments which you may care to provide concerning the employment policies and procedures of the EEI and the Combustion Engineering Co.

Very truly yours,

K. C. BROOKS,
Manager, Paducah Area.

EXHIBIT 3

(Received by the President's Committee on Government Contracts, July 11, 1956.)

METROPOLIS, ILL., July 8, 1956.

Mr. JOSEPH HOUGHIN,

Government Contracts Compliance Committee, Washington, D.C.

I suppose I'm nailing the lid on my coffin, as the old saying goes, by appealing to your Committee. They have a way of frowning on one around here, if he should speak out against discrimination on employment.

As the situation now exists, we are losing most of the colored people due to economic distress—no work.

There is a powerplant here, built by two or more public utilities, to furnish power to the Atomic Energy Plant at Kevill, Ky. It is Electric Energy, Inc. I say that they could help relieve this distress. Out of thousands of applications filed with them, there are around 300 employed now by them, and within that number, not a single Negro has been hired. This, in my opinion, is no mere coincidence.

Across the Ohio River, the TVA operates a similar plant, and there are a number of colored working as janitors, laborers, coal handlers, etc. The Atomic Energy plant itself has quite a few employed.

Out of this southern Illinois area, in the vicinity of this plant, I feel safe in saying that there are around 800 or 1,000 Negroes that are of working age, and are qualified to hold jobs on powerplant operations.

We have lost most of our people on account of the economic situation here. Many Negroes have had to disrupt their homes, placed hardships on their families, by having to leave here to find work.

I can name a few that in my opinion, well for that matter any body could judge, are qualified to hold such jobs as janitors, laborers—well, just manual work. They are as follows:

- (1) Louis C. Quonn, a former school principal, Metropolis, Ill.
- (2) Harlan Caldwell, former school teacher, Joppa, Ill.
- (3) Ethelbert Hester, Joppa, Ill., a laborer who worked on the construction of this plant for 3 years.
- (4) Melbert Renfro, Metropolis, Ill., now employed as school teacher, future job is uncertain.
- (5) Richard Clark, Metropolis, Ill., a veteran of World War II, worked on construction of this plant.
- (6) Ceell Colfield, Carrier's Mills, Ill., veteran Korean war. Done construction work on the building of the plant also.

It is difficult to contact every one that did file applications with EEO due to the fact they had to leave here. The above schoolteachers I named lost their jobs due to the combining of the Negro schools with the white, therefore they placed applications with EEO for future security.

Some, I've been informed were told that they had to have a high school education to be considered. That excuse won't hold water. I know of two white men that are janitors there now. They are above the age limit, and they couldn't have over a 6th or 7th grade education.

Now, not only does EEO lack in this respect on hiring Negroes, but a concern doing repair work on the plant boilers for them, practice the same act. It is Combustion Engineering of New York city. Their superintendent, Mr. Wyman Lowery, just as good as told me that they didn't want to work Negroes, and he didn't have anything for them to do. He then made the excuse that the men he had working for him on the job had worked for him before. I know that is untrue, because I know the man that asked him to put on the men he wanted put on.

I filed an application with Electric Energy in 1951. After failing to get any consideration, I wrote to the personnel manager. He informed me that my name was still on file, and when ever they could use a man of my qualifications, I would be given all due consideration. Later I wrote another letter to a Mr. Koopman, vice president of EEO. He states that they selected over the applications and had drawn all the applicants that were qualified from the file and discarded it, and he states he didn't know I was a Negro, until I stated so, and that by reason I didn't have janitor work as my first choice, I wasn't considered.

I am sending you the copy of the letter. You can see as well as me that it is just flimsy way of trying evade the fact. They don't want any Negro employees.

Perhaps I have got any evidence to support my claim. I am not claiming I have, but I, as well as the other colored people here are aware of the fact, they haven't made any effort to work none of us on this job, and as long as they can get out of it they won't. If they can work them in Kentucky on the Government jobs, they can here on the powerplant.

We do hope that some of us can obtain employment with them. Three or four will save that many from having to leave home.

Please understand Mr. Houchlin, I am not seeking self gain. Its immaterial to me whether I'm considered or not if for my people to prevent hardship on their families, to get them off the public relief rolls, and to keep some of our population here at home.

Yours very respectfully,

JULIAN STRICKLAND.

EXHIBIT 4

ELECTRIC ENERGY, INC.
December 4, 1956.

Subject: Discrimination complaint—Julian Strickland.

Mr. K. C. Brooks,

Manager, Paducah Area, U.S. Atomic Energy Commission,
Paducah, Ky.

DEAR MR. BROOKS: I have your letter of November 20 with the enclosed letter from Julian Strickland to Mr. Joseph Houchlin, of the Government Contracts Compliance Committee, in which Mr. Strickland sets out his claim. In this

letter, I will attempt to supply information in the order in which it is requested.

(1) The EEI does not have discriminatory employment policies. Our application forms have no blanks on which the race of the applicant can be shown. In advertising for skilled and professional classifications in newspapers and trade magazines, we have made no reference to race, creed, or color. A typical ad order is attached, marked "Exhibit A."

Combustion Engineering Co. informs us that they do not discriminate against any employee or applicant for employment because of race. They display in their Field Employment Office a poster "Equal economic opportunity published by the President's Committee on Government Contracts." They recognize labor unions as agents for the respective crafts, and usually call on them for the men desired. See exhibit B.

(2) We employ no Negroes at this time, but we have not refused to employ them. A group of Negroes called on us in 1952 seeking employment as janitors. At that time we were not employing janitors, and they were so informed. They were also told that if they would make application later their applications would be given due consideration. During the construction period, all applicants, both colored and white, were referred to Mr. Frank Grammer, who gave to each of them an application for employment. The forms were filed in our employment office according to job classifications without any discrimination. Those for unskilled positions were kept only for a short period of time in our active file, and in not more than 60 days were placed in an inactive file. Whenever we had need for an employee of a certain job classification, the application forms were reviewed, selections were made from them, and the party selected was granted a personal interview. When these selections were made, we had no way of knowing whether the party selected was white or a Negro.

Mr. Strickland wrote us July 2, 1951, requesting an application. He made no reference to his race. He received an application. We have no record of his having called, but we had no employment office established at that time. When he applied again in May 1955, his application was placed in the active file. On November 10, 1955, we received an undated letter from Mr. Strickland, complaining that he was not given a job. His application gave color of eyes gray, color of hair sandy. After receipt of this letter, we wrote him and suggested that he complete another application, because our forms had been revised. The new forms had a blank for arrests or police record. On the revised form his answers showed a police record, which would automatically eliminate him as a desirable applicant under our employment practices. A copy of this application is attached. We have a very small employment turnover. Our labor turnover is approximately 1 percent. See exhibit C.

(3) Combustion Engineering, Inc., informs us that Strickland inquired at the home of Mr. Wayman Lowry if Combustion Engineering Co. had any colored employees working, or if they had any policy against hiring them. The reply was that they did not have any colored employees on the job at that time, but had no policy against hiring them. Mr. Lowry further informed him that they had called for necessary employees through union representatives. See exhibit B.

We think it improbable that the large number of Negroes qualified to hold jobs on powerplant operations could be found in Massac County, as stated by Mr. Strickland. The number of Negro families in Massac County is small and our information is that there are no skilled laborers among them. We do find the application of Ethelbert Hester, of Joppa. See exhibit D. Our employment people had no knowledge as to the race of this applicant.

Our requirements are largely for skilled labor. In our experience, construction employees are frequently unsatisfactory in that they are not accustomed to permanent employment in one locality. Our selections have been made on the basis of what appears to us to be qualifications for the job, without considering race, creed, or color.

Yours very truly,

TURNER WHITE, Jr., *President.*

EXHIBIT 5

U.S. ATOMIC ENERGY COMMISSION,
Paducah, Ky., March 12, 1958.

Subject: Discrimination complaint—Mrs. Charles J. Jackson.

ELECTRIC ENERGY, INC.,
Joppa, Ill.

(Attention: Mr. Turner White, President.)

GENTLEMEN: The President's Committee on Government Contracts has advised the Commission that, after a thorough review of the investigative report on the subject complaint, they have decided to transfer the complaint to an inactive status.

We have been asked to furnish one more quarterly report on your employment which would be your March 31, 1958, report.

Thank you for your cooperation in this matter.

Very truly yours,

K. C. BROOKS,
Manager, Paducah Area.

EXHIBIT 6

U.S. ATOMIC ENERGY COMMISSION,
Paducah, Ky., November 6, 1958.

Subject: Discrimination complaint—EEI.

ELECTRIC ENERGY, INC.,
Joppa, Ill.

(Attention: Mr. Turner White, Jr., President.)

GENTLEMEN: I am pleased to forward you a copy of a letter dated October 25, 1958, from the President's Committee on Government Contracts to the Atomic Energy Commission which formally closes the case of the discrimination complaint raised by Mr. Julian Strickland against your company.

Very truly yours,

K. C. BROOKS,
Manager, Paducah Area.

EXHIBIT 7

THE PRESIDENT'S COMMITTEE ON GOVERNMENT CONTRACTS,
Washington, D.C., October 25, 1958.

Mr. HARRY S. TRAYNOR,
*Assistant General Manager,
Atomic Energy Commission, Washington, D.C.*

Contractor: Electric Energy, Inc., Joppa, Ill.

Complainant: Mr. Julian Strickland (deceased), Metropolis, Ill.

Date of Committee action: October 15, 1958.

DEAR MR. TRAYNOR: The investigative report of the subject complaint was presented to the Committee at its recent meeting.

Following a thorough review of the findings of the investigation as set forth in the report the Committee decided to close the case.

We shall appreciate it very much if you will inform the contractor of the action the Committee has taken with regard to the complaint.

Sincerely yours,

JACOB SEIDENBERG, *Executive Director.*

EXHIBIT 8

U. S. ATOMIC ENERGY COMMISSION,
Paducah, Ky., November 12, 1957.

Subject: Discrimination complaint, Mrs. Chas. J. Jackson.

ELECTRIC ENERGY, INC.,
Joppa, Ill.

(Attention of Mr. Turner White, Jr., President).

GENTLEMEN: Enclosed is a copy of a letter written by Mrs. Chas J. Jackson in which it is alleged that you have engaged in discriminatory employment practices.

Confirming discussions on November 8, 1957, between your Mr. John G. Koopman and Messrs. Stiller and Jones of the Atomic Energy Commission, it is requested that you furnish this office with a statement covering your position in this matter. In this connection, it is believed appropriate to summarize the extent of contact which Mrs. Jackson previously had with members of your company.

We will appreciate receiving your reply by November 20. Thank you for your cooperation in this matter.

Very truly yours,

K. C. BROOKS, *Manager, Paducah Area.*

EXHIBIT 9

METROPOLIS, ILL., October 8, 1957.

MR. MAXWELL RABB,
White House Aid on Minorities,
Washington, D.C.

DEAR MR. RABB: It is because of discrimination in employment at the Electric Energy Plant at Joppa, Ill., that I am writing you.

The Electric Energy started operation 4 years ago and as you know supplies power for the atomic plant in Paducah, Ky. Up until this time it hasn't hired a single Negro though many have filed applications. None have ever been called for an interview. They nor their affiliate the Marine Terminal Coal Co. which supplies coal for them have hired a Negro for anything or any sort of job.

We will greatly appreciate it if you will do what you can to correct this injustice.

Yours truly,

(Mrs.) CHAS. J. JACKSON.

EXHIBIT 10

NOVEMBER 18, 1957.

Re discrimination complaint, Mrs. Charles J. Jackson.

Mr. K. C. BROOKS,
Manager, Paducah Area,
U.S. Atomic Energy Commission,
Paducah, Ky.

DEAR MR. BROOKS: We are in receipt of your letter of November 12, 1957, enclosing copy of a letter written by Mr. Charles J. Jackson alleging discriminatory employment practices.

On December 7, 1956, Mrs. Charles Jackson called on me in my office at the Joppa Steam Electric Station and requested information from us to our employment practices. She stated to me at the time that we should have some Negro employees and that by some obscure means we were preventing their employment.

I explained very carefully to Mrs. Jackson the procedure by which we employ personnel and that there was no means by which the superintendent could determine, prior to a personal interview, whether an applicant was colored or white. Mrs. Jackson stated that there were some five or six Negroes who had applications with us for work and nothing had been heard from us. An investigation revealed that none of these had applied within the last year and some had not applied for several years.

As stated to you in previous correspondence, our policy is to hold applications in an active file for about 2 months and then place them in an inactive file or destroy them. This procedure is so stated on the application blank, and it has been adopted to prevent the costly time consuming effort of one or two employees endeavoring to locate someone who has found work elsewhere.

In addition to the detailed explanation given Mrs. Jackson by myself, I arranged for her to interview our labor relations supervisor, Mr. Patrick.

He was able to locate the applications of those people whom Mrs. Jackson had mentioned. The fact that they were colored was not known to Mr. Patrick nor was there any means by which he could have determined their race without calling them to the plant for an interview. We do not know at this time if there are any applications by Negroes in our file and will not know until such time as the qualifications expressed in the application appeal to our employment officer and he calls such an individual in for an interview.

I should like to point out that we employ very few new people during the year and most of them come recommended to us by other employees who have known them and are prepared to vouch for their integrity.

We are in no position to state when anyone might be employed in the future. Nor, of course, can we guarantee, as Mrs. Jackson requested of us, that we agree to employ some three or four Negroes. Most of our employees are highly skilled, and through the percentage of the Negro population to the white population in this area is very low, the ratio of skilled Negro workers to skilled white workers is much lower.

We are not, nor have we ever been, an affiliate of the Marine Terminal Coal Co. nor do we have at this time, nor have we had in the past, any relationship with them contractually or otherwise.

There has been an implication that our employment policy could provide for race discrimination. There is nothing known to me in our employment procedures that would support such a view nor do the facts support it.

Yours very truly,

TURNER WHITE, Jr., *President.*

EXHIBIT 11

U.S. ATOMIC ENERGY COMMISSION,
Paducah Ky., December 2, 1955.

Subject: Nondiscrimination posters.

ELECTRIC ENERGY, INC.,
St. Louis, Mo.

(Attention: Mr. J. W. McAfee.)

GENTLEMEN: This will refer to paragraph 9 of your letter contract No. AT (40-1)-2167 dated November 14, 1955.

Enclosed are two copies of a poster entitled "Equal Economic Opportunity." This poster is a notice contemplated by paragraph 9 concerning the nondiscrimination clause in the contract and should be posted in all your employment offices and on principal bulletin boards or other places used for providing information to employees.

If you will estimate the needs of your company and your subcontractors for this poster and notify this office, these notices will be sent to you in the quantity needed.

Very truly yours,

K. C. Brooks, *Manager, Paducah Area.*

EXHIBIT 12

Re A:SS. Subject: Nondiscrimination posters.

Mr. K. C. Brooks,
Manager, Atomic Energy Commission,
Paducah Area, Paducah, Ky.

DEAR MR. BROOKS: This is in reference to your letter of December 2, addressed to Mr. J. W. McAfee, relative to nondiscrimination posters.

For the present, six additional posters will be sufficient.

Yours very truly,

J. G. KOOPMAN, *Vice President.*

EXHIBIT 13

U.S. ATOMIC ENERGY COMMISSION,
Paducah, Ky., April 9, 1956.

Subject: Manual—"Equal Job Opportunity Program."

ELECTRIC ENERGY, INC.,
Joppla, Ill.

(Attention: Mr. Turner White, Jr., President.)

GENTLEMEN: Enclosed is a manual entitled, "Equal Job Opportunity Program," issued by the President's Committee on Government Contracts, Washington, D.C.

The manual is being furnished for information and guidance in complying with the nondiscrimination agreement contained in section 7.13 of your contract No. AT(40-1)-1312.

Very truly yours,

B. U. STILLER,
(For K. C. Brooks, Manager, Paducah Area).

EXHIBIT 14

U.S. ATOMIC ENERGY COMMISSION,
Paducah, Ky., November 20, 1956.

Subject: Poster—"Equal Economic Opportunity."

Attention: Mr. Turner White, Jr., president.

ELECTRIC ENERGY, INC.,
Joppla, Ill.

GENTLEMEN: We are enclosing six copies of poster entitled "Equal Economic Opportunity" issued by the President's Committee on Government Contracts, Washington, D.C. These posters are being furnished for information and guidance in connection with the antidiscrimination provisions (sec. 7.13) of your contract. The posters should be placed in conspicuous places available to employees and applicants for employment.

In connection with the provisions of paragraph 2 of section 7.13, you are advised that the term "subcontract" as used in this paragraph has been deemed to include "purchase orders."

Very truly yours,

K. C. BROOKS, *Manager, Paducah Area.*

EXHIBIT 15

NOVEMBER 20, 1956.

Mr. K. C. Brooks,
Manager, Atomic Energy Commission,
Paducah Area, Paducah, Ky.

DEAR MR. BROOKS: We would like to have 12 additional copies of the poster entitled "Equal Economic Opportunity" issued by the President's Committee on Government Contracts.

Thank you.

Yours very truly,

J. G. KOOPMAN, *Vice President.*

EXHIBIT 16

U.S. ATOMIC ENERGY COMMISSION,
Paducah, Ky., December 3, 1956.

Subject: Poster—"Equal Economic Opportunity."

Attention: Mr. J. G. Koopman, vice president.

ELECTRIC ENERGY, INC.,
Joppa, Ill.

GENTLEMEN: This will refer to your letter of November 20, 1956, subject as above. We are enclosing, as requested, 12 additional copies of poster entitled "Equal Economic Opportunity" issued by the President's Committee on Government Contracts.

Very truly yours,

K. C. BROOKS, *Manager, Paducah Area.*

EXHIBIT 17

U.S. ATOMIC ENERGY COMMISSION,
Paducah, Ky., February 19, 1959.

Subject: Compliance guide.

ELECTRIC ENERGY, INC.,
Joppa, Ill.,

(Attention: Mr. Turner White, Jr., President).

GENTLEMEN: I am enclosing for your information and guidance the most recently published guide issued by the President's Committee on Government Contracts dated October 1958.

Very truly yours,

K. C. BROOKS,
Manager, Paducah Area.

EXHIBIT 18

APRIL 10, 1956.

MEMORANDUM

To: E. M. Marselli, Pat Patrick, L. F. Grammer.
From: J. G. Koopman.

I am attaching a manual entitled "Equal Job Opportunity Program" furnished us by the Atomic Energy Commission in reference to our current contract between Electric Energy, Inc., and the Atomic Energy Commission.

Please read the bulletin very carefully, and be certain that our posters covering job discrimination are posted in conspicuous places. All section heads should be informed of our legal obligation in respect to nondiscrimination as referred to in the attached booklet.

At the bottom of this page is a space provided for the initial and date to indicate that you have read this booklet. The last person so listed will return the booklet to my attention.

J. G. K.

E. M. MARSELLI 4-10-56.

PAT PATRICK 4-11-56.

L. F. GRAMMER 4-10-56.

EXHIBIT 19

FEBRUARY 26, 1959.

MEMORANDUM

To: E. E. Smith, E. M. Marselli, Pat Patrick.
From: J. G. Koopman.

We are attaching the recently published guide issued by the President's Committee on Government Contracts dated October 1958.

As in the past, we will continue our nondiscriminatory employment policy. Those concerned with purchasing, preparing contracts and employment of people should study this booklet very carefully.

EXHIBIT 20

SECTION 7.13. *Anti-Discrimination*. 1. Company, in performing the work required by this Agreement, shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin. See Executive Order No. 9346, dated May 27, 1943.

2. Company agrees that the provision of Paragraph 1 above will also be inserted in all of its subcontracts. For the purpose of this Section, a subcontract is defined as any contract entered into by Company with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this Agreement; provided, however, that a contract for the furnishing of standard or commercial articles or raw material shall not be considered as a subcontract.

EXHIBIT 21

CONDITIONS

1. **COMPLETE AGREEMENT**—The terms and provisions of this purchase order complete the entire agreement between the parties hereto and shall supersede all previous communications, representations or agreements, either verbal or written, between the parties hereto with respect to the subject matter hereof; and no agreement or understanding varying or extending the same will be binding upon either party hereto unless in writing, signed by a duly authorized officer or representative thereof.
2. **ANNEXED SCHEDULES**—Any schedules and/or exhibits which may be annexed hereto are made part of this order to which Vendor agrees by the acceptance of this order.
3. **VARIATION OF TERMS**—No variation of the terms of this order will be permitted without Purchaser's written consent.
4. **DELAYS—DAMAGES**—If the Vendor fails to make deliveries within the time specified, the Purchaser may terminate this purchase order or such parts or part thereof to which there has been delay, without incurring cancellation or any other charge.
5. **NON-WAIVER**—Failure of Purchaser to insist upon strict performance of any of the terms and conditions herein shall not be deemed a waiver of any rights or remedies that Purchaser shall have and shall not be deemed a waiver of any subsequent default of the terms and conditions hereof. The shipping or receiving of any article under the Purchase order shall not be deemed, or be a waiver of any rights for any prior failure by the Vendor to comply with any of the provisions of this Purchase order.
6. **NO ASSIGNMENT**—This purchase order shall not be assigned by the Vendor without the prior consent of the Purchaser in writing.
7. **INFRINGEMENT**—Vendor warrants that the articles described herein, and the sale or use of them will not infringe any U. S. patent and Vendor covenants that it will defend at its own cost and expense, every action which may be brought against Purchaser or those selling or using Purchaser's product for any alleged infringement or any patent by reason of the sale or use of such articles and Vendor agrees to pay all costs, damages, fines and profits recoverable in any such action.
8. **COMPLIANCE**—Vendor agrees to comply with all laws and regulations affecting this Purchase Order in any manner and agrees to execute further stipulations which may be necessary to effect such compliance. All laws and regulations required to be incorporated in contracts of this character are hereby incorporated by inference.
9. **INSPECTION**—All material and workmanship shall be subject to inspection and test by Purchaser at the plant of Vendor and/or of Purchaser. The Purchaser reserves the right to reject any articles which contain defective material or workmanship. Rejected articles shall be removed at the expense of the Vendor, including transportation both ways, promptly after notification or rejection, and Vendor shall bear all risk of rejected articles. This transportation expense shall not be greater than the equivalent freight rate unless original shipping instructions specified f.o.b. job site at a higher transportation rate. If so, the higher transportation rate shall prevail.
10. **CHANGES**—The Purchaser reserves the right at any time to make changes in drawings and specifications. If such changes cause an increase or decrease in the amount due or in the time required for performance, an equitable adjustment shall be made. Any claim for adjustment under this provision must be asserted within ten (10) days from the date when the change is ordered.
11. **EXAMINATION OF RECORDS**—Vendor agrees that the Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the final payment under this Purchase Order, have access to and the right to examine any directly pertinent books, documents, papers and records of Vendor's company involving transactions related to this Purchase Order. The term Purchase Order as used herein does not include (i) purchase orders not exceeding \$1,000.00, or (ii) Purchase Orders for public utility services at rates established for uniform applicability to the general public.
12. **NONDISCRIMINATION IN EMPLOYMENT**—In connection with the performance of work under this Order, the Seller agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Seller agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Company setting forth the provisions of the nondiscrimination clause. The foregoing shall not be applicable if this Order is for standard commercial supplies or raw materials.

EXHIBIT 22

APPLICATION FOR EMPLOYMENT

Form 125-5
Rev. 5-18-59

ELECTRIC ENERGY, INCORPORATED

DATE _____

Fill out carefully, in own handwriting and in ink. Your method of completing this form will be part of your employment consideration. If not notified of employment within 60 days, it will be necessary to reapply for employment as this application will be discarded at the end of 60 days.

Full Name _____ Social Security No. _____
First Middle Last

Address _____ Phone No. _____
City Street State

Addresses where you have lived in the past (5) years

Street	City	State	Date From	Date To

Place of Birth _____ Date of Birth _____
City County State Month Day Year

Height _____ Weight _____ Color Eyes _____ Color Hair _____

Education, Name of School	Mailing Address	Date From	Date To	Graduated?	Course
Grade					
High					
College					
Trade, Military or Special					

What are your hobbies or special activities? _____

Single _____ Married _____ Widow(er) _____ Divorced _____ Do you Own Live with
Rent Home Parents Board Other

Father _____ Mother _____
Name Address Name Address

Persons dependent upon you for support _____ (Number and Relation) How

Beneficiary _____ Address _____ Phone _____ How Related _____
Name

Are you now, or have you ever been, a member of any organization, association, movement, group, or combination of persons which advocates the overthrow of the constitutional form of government of the United States, or of any organization, association, movement, group or combination of persons which has adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the constitution of the United States or of seeking to alter the form of government of the United States by unconstitutional means? Yes _____ No _____

Personal References (not relatives) Name	Occupation	Mailing Address

EQUAL EMPLOYMENT OPPORTUNITY

Have you ever received workmen's compensation for an occupational injury? _____ If yes give particulars _____

Have you ever been reprimanded or discharged for Safety violations? _____ If yes give particulars _____

Have you ever worked for this Company before? _____ When and Where _____

Have you any relatives with this Company? _____ Name _____ How Related _____

Have you ever rejected the Workmen's Compensation Act of any State? _____ (If answer is Yes, give particulars)

Employment History for past (5) years: _____ How long have you been working at your present occupation? _____

Name of Firm	Address where you worked	Position Held	Salary	Date From	Date To	Reason for Leaving

Employment Wanted _____ Wage or salary expected _____
(List in order of preference)

Military Service Record Note enlisted and commissioned service separately

Branch	Last rank or rating	Service Serial No	Date From	Date To	Reason for Discharge		
					Honorable	Medical*	dishonorable

*IF MEDICAL DISCHARGE, STATE REASON: _____

Are you a member of a Military Reserve, or State or National Guard? Yes _____ No _____ If answer is "Yes" give present status and your unit _____

ARRESTS
(List all Arrests)

Date	Place where Arrested	Charge	Disposition

CERTIFICATION

I certify that the above information is correct and complete to the best of my knowledge and belief. I make this statement with the understanding that any false statement or omission of material fact may be sufficient cause for rejection of my application or dismissal after employment.

Signature of Applicant _____

EXHIBIT 23

AUGUST 9, 1961.

MEMORANDUM

To: F. M. Marselli, E. E. Smith, Pat Patrick, George Rice, Larry Stanton.
From: J. G. Koopman.
Subject: Nondiscrimination.

The company from the very beginning has taken steps to see that we have complied with section 7.13, "Antidiscrimination," of Contract No. AT-(40-1)-1312 between Electric Energy, Inc., and the U.S. Atomic Energy Commission. Our employment practices have been reviewed from time to time in order to ascertain if we were complying with various Presidential orders governing nondiscrimination on Government contracts. Since that time, we have kept you informed of President Kennedy's Executive order as well as the recent FEPC statute passed by the Illinois Legislature and enacted into law by signature of the Governor.

We must continue reviewing our employment practices in order to be certain we have not become careless or permitted any oversight that will place us in jeopardy of violating our contract with the Atomic Energy Commission, the recent Executive order signed by President Kennedy or violating the State FEPC law.

Each of you are requested to make a personal review of our employment practices and, in the very near future, a staff meeting will be held to discuss any recommendation as to changes that should be made in order to assure ourselves that we are complying fully with all regulations pertaining to nondiscrimination.

Although we have taken every means to assure ourselves applications for employment in no way indicates race, creed, or color, we must be certain our security officers and other employees do not notify us, in advance, of the color or race of an applicant being admitted to the premises for a personal interview. All applicants must be considered on their qualifications for the particular job or position for which they are applying.

J.G.K.

UNION BAG-CAMP PAPER CORP.,

New York, N.Y., March 6, 1962.

HON. JAMES ROOSEVELT,

*Chairman, Special Subcommittee on Labor, Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN ROOSEVELT: This will acknowledge receipt of your letter and attached copy of testimony which was given recently by Mr. Herbert Hill to the Special Subcommittee on Labor.

Our company completed its 100th year as a business enterprise in 1961, and it has always been the company's policy that the consideration governing the progress of an individual's career is his individual worth to the organization.

In terms of employment practices in our southern operations, the ability of the company's management to move ahead in fostering complete equality of opportunity is somewhat fettered by areas of employee relationship over which the company has no direct control. For example, the composition of local bargaining units, cited by Mr. Hill as being on a segregated basis, is within the exclusive domain of the bargaining agent under the National Labor Relations Act.

By guidance and counseling, and to the fullest extent permitted by law without fomenting strife and disruption of operations, the management of this corporation intends to continue to press in every community in which we operate for the development of understanding of the need to recognize and reward employees solely on the basis of individual ability.

We thank you for the opportunity to state our corporate position in this matter.

Yours sincerely,

GERALD W. VAUGHAN,
Director, Industrial Relations.

APPENDIX G

STUDY, "CLERICAL HIRING," ILLINOIS CONFERENCE OF BRANCHES,
NAACP

CLERICAL HIRING BY THE ILLINOIS BELL TELEPHONE COMPANY

A breakdown of white and Negro hiring patterns prepared by the Federation of Telephone Clerks of Illinois

The Federation of Telephone Clerks of Illinois is an independent telephone union representing the accounting department and the secretary's department of the Illinois Bell Telephone Co. The employees represented by the federation are typical clerical white-collar workers and prepare and maintain all the financial records of the Illinois Bell Telephone Co. The employees in the revenue accounting divisions prepare all customer bills for local service, toll, and directory advertising. The disbursements accounting divisions maintain extensive property and cost records of equipment and plant necessary in a large public utility together with the preparation of payrolls and the payment of company expenses. The secretary's department maintains all important documents of the company including the permanent archives.

Approximately 2,200 employees are required to do this work today. Large offices are located in Chicago and in the towns of Arlington Heights, Harvey, Joliet, and Springfield together with a small office at West Chicago, all in the State of Illinois. This contrasts with the 1952 employee force of about 3,000 of which all but 200 employed in Springfield were generally located in the Chicago Loop.

ENTRANCE REQUIREMENTS

During this entire period, 1952-61, 98 percent of the hiring has been into entrance jobs such as messenger work, filing and sorting work, routinized clerical work and jobs requiring elementary typing skills. Employees assigned to jobs requiring specialized skills such as comptometry (adding and subtracting only), key punching, billing machine work and since 1959, entrance tabulating machine work, were trained on the job. The latest contract signed in March 1961, calls for a starting rate of pay of \$57 a week in Chicago down to \$53 a week in Springfield.

The remaining 2 percent of the employees hired had certain specialized skills such as advanced comptometry or previous tabulating machine training. All other nonentrance jobs were filled by promotions from the ranks including stenographic jobs.

An overwhelming percentage of those hired were high school graduates. A few of those hired had a year or so of college. Negro employees appear to have a higher level of education than white employees doing similar work but no definite racial pattern can be ascertained.

Ninety-five percent of those hired are female.

THE CHICAGO LOOP ERA TO 1952

For many years the entire accounting department was located in the Chicago Loop with the exception of the Springfield office. The hiring of Negroes is believed to have been started in the late 1940's and early 1950's in the office located at 309 West Washington Street in the Chicago Loop. The union during this initial hiring of Negro employees found it necessary to take positive steps in the field of worker education to smooth over the change. It can be stated, however, with a great deal of pride that during this entire period the relations between the two races were of the best. The Illinois Bell Telephone Co. deserves sincere praise in its planning in race relations during this period.

By the year 1951, Negro employees were working in most of the downtown Chicago offices. These offices were then called north revenue division, central revenue division, south revenue division, suburban revenue division, headquarters and disbursements accounting. Total employment was about 3,000. The number of Negro employees working in this force located in the Loop is not known.

There were no Negro employees at the Springfield office.

DECENTRALIZATION 1952-61

In 1952, the offices located in the Chicago Loop began to move to outlying Chicago and to suburban locations. It is not necessary to give a detailed analysis of these moves; suffice to say that by 1961 only 500 employees remain in the Chicago Loop. The remaining 1,600 employees work at the following locations:

Portage Park: 4355 North Linder Avenue, Chicago, Ill.
Northcenter: 3800 North Western Avenue, Chicago, Ill.
Marquette: 61st and Kedzie Avenue, Chicago, Ill.
Brainerd: 88th and Ashland Avenue, Chicago, Ill.
Joliet, Ill.
Harvey, Ill.
Arlington Heights, Ill.
West Chicago, Ill.
Springfield, Ill.

West Chicago is a very small office totaling only 15 employees. The other 8 offices range from 160 to 225 employees each.

THE CHANGING EMPLOYMENT PATTERN

As stated before by 1952 most Chicago Loop offices had Negro employees. This changed drastically as a result of decentralization. Part of the change was unavoidable, part of the change the evidence indicates was done deliberately.

A brief summary of the change:

Portage Park moved in 1952. This represented about 50 percent of north revenue division located in the Loop. Negroes working on northwest side accounts were transferred to remaining Loop locations. This move appeared logical in 1952 because of the distance of office from Negro areas.

Joliet revenue also moved in 1952. This represented about 30 percent of the suburban revenue force located in the Chicago Loop. Only one Chicago employee transferred to Joliet to work at the time of the initial move. All white and Negro employees were transferred to the remaining Loop offices.

In October and November 1955, Harvey and the Marquette Chicago offices were transferred. A large number of Loop employees hired in the preceding few years along the Illinois Central Railroad from the far south side moved to the Harvey office. Several Negro employees living in the general vicinity of the Harvey office were transferred to Harvey at this time. The work was transferred from the old midstate revenue office.

The Marquette office move was a different story. White employees living in the following general area was transferred to the Marquette office located at 61st and Kedzie Avenues.

North: Roosevelt Road
South: 10700 South
East: 1000 East
West: 7200 West

No Negro employees were transferred to the Marquette office. Any Negro employee living in the general area shown above was transferred to the remaining Loop offices.

The Arlington Heights office performing the last of the work originally done by the midstate revenue office located in the Chicago Loop moved over the period 1956-58. Joliet and Harvey had previously moved in the years 1952-55 and, as mentioned, the remaining employees stayed in the Loop. As a result, the remaining midstate force (about 30 percent) had a large concentration of Negro workers. Obviously none of the Negro workers were transferred to the last suburban office opened at Arlington Heights. The midstate Negro workers in 1956-58 were again transferred to the remaining Loop locations.

The last of the south revenue employees moved to Brainerd located at 88th and Ashland in December 1956. White employees working in the Loop and living in the following general area were transferred to this office:

North: Cermak Road
South: 11700 South
East: 3700 East
West: 3400 West

No Negro workers, even those living in this area, were transferred to the Brainerd office. The Negro workers were again transferred and concentrated in the fast decreasing Loop offices.

In April 1958, the last of north revenue division work was transferred to Northcenter, located at 3800 North Western Avenue. White employees living in this general area were transferred to this new office:

North: Evanston
South: Cermak Road
East: Lake Michigan
West: 7500 West

No Negro workers were transferred to Northcenter, even those living in the above area. The Negro workers were transferred to the two remaining large offices in the Loop. These were central revenue accounting and disbursements accounting, each with about 400 employees.

Early in 1959, with the gradual reduction of the work force due to mechanization, central revenue was dispersed to the four outlying Chicago revenue offices; i.e., Portage Park, Northcenter, Brainerd, and Marquette. Again the Illinois Bell Telephone Co. planned to move all the remaining Negro workers to the one remaining Loop office—disbursements.

At this point the union protested about this continued pattern of discrimination to the management of Illinois Bell Telephone Co. The protest was based on the belief that all workers regardless of race should be transferred to the new offices if they lived in the same general area governed by the general transfer rules. President Long informally informed the human relations committee of the company's discriminatory pattern and of the union protest to the Illinois Bell Telephone Co.

The company then capitulated and Negro employees working in central revenue were transferred to Northcenter in the north and to Marquette and Brainerd in the south on the same basis as their sister white workers.

HIRING PATTERNS

A recent study completed by the union as a result of grievances filed by Negro members reveals that the pattern of discrimination detected from 1952 until the central revenue dispute settlement still continues. The fine work commenced in the late 1940's in regards to minority employment by the Illinois Bell Telephone Co. in its accounting department has not only come to a halt but has steadily gone backward.

This statement is based on cold hard facts and is not a conclusion or an opinion. This study not only covers the Chicago offices but Springfield, Joliet, and Harvey where Negro employees can logically be hired and in the Marquette, Brainerd, and Northcenter offices in Chicago where Negro employees were first transferred in 1959 although the offices actually opened up years earlier.

EMPLOYEES HIRED

Hiring in the accounting department of the Illinois Bell Telephone Co. is a big and responsible job. In past years in Chicago the accounting department hired the equivalent of all the graduates of four Chicago high schools. With hiring confined to simple entrance jobs normally requiring only a high school certificate, a change in hiring practice could drastically effect the number of whites, Negroes, and other races hired from Chicago high schools. Following are the employees hired in the following years for employment in jobs controlled by this union:

Year:	Number hired	Year—Continued	Number hired
1952.....	1,705	1958.....	127
1956.....	1,150	1959.....	509
1957.....	784	1960.....	628

¹ Of this number, 1,742 were hired for work in the Chicago Loop and 53 were hired in Springfield.

NEGRO HIRING—CHICAGO

The union has completed a survey of the hiring dates of all Negro employees in three outlying Chicago offices to which Negro workers were finally transferred in 1959 as a result of a union complaint. The fourth office, Portage Park located 5400 West and 4400 North, never had Negro employees and a survey of the home location of the force was not made.

MARQUETTE

Marquette was opened in November 1955. In spite of the general area from which these employees reside, no Negroes were moved into Marquette until 1959. The number moved is not known. The last Negro, a union steward, was transferred out of Marquette a few months ago. The office is now completely white.

The union is convinced that the transfer out of Marquette of all Negro workers was a planned move by the Illinois Bell Telephone Co. In spite of the fact that the general area in which the present white force lives included large Negro areas, it is believed no Negroes were employed in the Marquette office between 1955 and 1959. In 1959, due to union pressure, Negro members were moved into Marquette but by late 1960 the last Negro was gone. The union, late in 1960, acted to have the last Negro, a union steward, transferred as pressure was getting too great to have one Negro remain in an office housing nearly 200 clerks.

The Marquette building is four stories high. The accounting clerks occupy two floors. The other two floors are occupied by other departments represented by other unions. All jobs at Marquette regardless of department can be considered to be of a clerical type. There are no Negro women to our knowledge working in the remaining half of the building.

Following are the number of accounting clerks hired at Marquette since the office opened in 1955. All hired are believed to have been white.

1956-----	50	1960-----	43
1957-----	21		
1958-----	4	Total-----	159
1959-----	35		

BRAINERD

The story at Brainerd follows the same general pattern as that of Marquette. Occupied in December 1956, Negroes were first located at Brainerd in 1959. Fortunately 10 Negroes still remain at Brainerd. A study of their hiring dates reveal the changing employment patterns of the telephone company.

	<i>Date hired</i>
Employee No. 1-----	Nov. 6, 1950
Employee No. 2-----	Sept. 29, 1952
Employee No. 3-----	Dec. 22, 1952
Employee No. 4-----	Jan. 12, 1953
Employee No. 5-----	Nov. 9, 1953
Employee No. 6-----	Dec. 13, 1954
Employee No. 7-----	Mar. —, 1956
Employee No. 8-----	Feb. 4, 1957
Employee No. 9-----	Mar. 4, 1957
Employee No. 10-----	June 17, 1957

Of these 10 employees, regardless of date of employment, none came to Brainerd before 1959. Only the first five hired represent Negroes hired in the accounting department and still remaining today in the accounting department; 1953 appears to be the date the Accounting Department of the Illinois Bell Telephone Co. stopped hiring Negro employees for offices scheduled to move in later years out of the Loop.

Of the last five Negroes on the list strangely enough two appear from union records to have been transferred from the New York Bell Telephone Co. The remaining three Negroes were transferred to Brainerd in 1960 from the traffic department as a result of a dial cutover.

Brainerd is also a four-story building of which two are occupied by the accounting department. Like the Marquette story the remaining two floors appear to be devoid of Negro clerical employees. Brainerd, of all the four offices, is closest to the Negro districts. It is estimated that possibly 50 percent of all Chicago telephones with Negro subscribers are billed out of this office.

The number of employees in this office has dropped drastically in the last year due to mechanization. What effect this has had on the percent of Negro employees to the total force is not known but it is true to the best of our knowledge, that all the following employees hired since 1956 for employment in this office were white.

1957-----	30	1960-----	67
1958-----	4		
1959-----	44	Total-----	145

NORTHCENTER

Northcenter located at 3800 North Western Avenue was first occupied in April 1958. Negroes were not transferred into Northcenter until 1959. At the present time three Negro employees remain at Northcenter. Their hiring dates are:

	<i>Date hired</i>
Employee No. 1.....	July 17, 1952
Employee No. 2.....	Jan. 22, 1953
Employee No. 3.....	May 11, 1953

Is it a coincidence that hiring of Negroes in the accounting department for outlying offices appears to have stopped in 1953? This same cutoff date is noticed in Brainerd.

Northcenter is also a four-story building of which two are occupied by the accounting department. Unlike the more likely south side offices, Negroes are employed in the remaining two floors.

Employees hired at Northcenter since April 1958, the date the office was opened, are all presumed to be white from the above survey. The number hired were:

May, 1958 to December, 1958.....	0
1959.....	89
1960.....	45
Total.....	134

NEGRO HIRING, DOWNSTATE

There are also four large revenue accounting offices located outside of Chicago. Nearly 800 workers are employed. A brief outline of known facts are given concerning minority hiring.

SPRINGFIELD

The Springfield revenue office which opened in 1920 is one of the oldest revenue offices in the entire State of Illinois. No Negroes have ever been employed in this office.

It is believed that some Negro workers have been hired in Springfield in other departments of the telephone company.

JOLIET

This office opened up in 1952. One Negro remains at work in this office of 200. This Negro girl is a union steward. This employee was hired on September 8, 1953. Again 1953 appears to be the date of a major change in accounting department hiring practices. Why?

Hiring has been heavy in this office. Following are the number hired since 1956 at Joliet. All are presumed to have been white.

1956.....	65	1960.....	47
1957.....	90		
1958.....	6	Total.....	252
1959.....	38		

HARVEY

This office was opened in 1955. A number of Negroes were transferred from the Chicago Loop to Harvey at this time. Two Negro employees remain with hiring dates of September 2, 1952, and May 10, 1953.

Again the year 1953 crops up as a terminal date of Negro employment. This date is common both in Chicago and the outlying downstate offices. If any Negroes were hired at any of these decentralized offices after this date, it is not known to the union. It appears impossible if any Negroes were hired after this date that some would not be still in service.

Following are the number of employees hired at Harvey revenue accounting office since 1956. All are presumed to be white.

1956.....	88	1960.....	53
1957.....	33		
1958.....	10	Total.....	264
1959.....	70		

ARLINGTON HEIGHTS

The newest of the downstate offices has no Negro employees. The area from which the employees are recruited appear to make the hiring of Negroes unlikely.

THE REMAINING LOOP OFFICES

The union has two accounting locals remaining in the Chicago Loop. One is the comptrollers local comprising what is known as the headquarters group. The local consists of about 100 members working in many small offices for the various executive branches of the accounting department.

A check by the union failed to disclose any Negro employees in this local.

The remaining union local is disbursements accounting located at 165 North Canal Street with about 400 eligible employees. This is the last accounting office currently hiring new Negro employees. Many of the Negroes are those transferred into this office when the successive moves to outlying offices commenced in 1952. However, some are Negroes hired more recently to work specifically in this office. Of 14 union stewards in this local, 3 are Negro.

The company informed the union in October 1960, that the disbursements office would ultimately be decentralized into the outlying offices in a few years. At that date it appears that only white employees will be hired in the accounting department if present practice continues.

HIRING RESPONSIBILITY

The union in its recent survey endeavored to find out who was responsible for this seeming decrease in Negro employment. The accounting department in the outlying offices have employment personnel reporting and responsible to the accounting department. These accounting employment people appear to recruit and refer prospective employees to the downtown employment office.

In a meeting with management Monday, April 3, at Brainerd accounting office the union was told that accounting is responsible for referral and recruiting only and not for actual hiring. The actual hiring, the union was informed, is done downtown by the general personnel department outside the bargaining authority of the union.

The place of actual hiring is important because the union has been informed that 60 percent of the downtown applicants are Negro. It must be remembered that 98 percent of those hired are for entrance jobs requiring only a high school diploma. It must be further remembered the district the present force resides in compasses large Negro living areas. It is therefore impossible that of 159 clerks hired at Marquette, 145 at Brainerd, and 134 at Northcenter all could be white unless a perfect understanding was reached between the recruiting personnel in the outlying offices and the downtown hiring office.

The union survey under question No. 4 shows the following results:

4. Was your first hiring interview at Illinois Bell Telephone Co. at (check one) :
 - (a) Your present office address? ----
 - (b) Downtown at 208 or 309 West Washington Street? ----
 - (c) Elsewhere (give address)? ----

The survey counting only those hired after the respective office was moved outside the Chicago Loop shows as follows: (a) 18, (b) 93, (c) 2, total 113.

This appears to show that 82 percent of the applicants were hired downtown and all hired were white while 60 percent of the applicants applying for work downtown were Negro and not one was hired for a job requiring only a high school diploma.

APPENDIX II

PARTIAL TEXT—HOUSING DISCRIMINATION HEARINGS, CALIFORNIA
STATE ASSEMBLY

TESTIMONY OF H. JACKSON PONTIUS, CALIFORNIA REAL ESTATE ASSOCIATION

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY
HEARING IN LOS ANGELES, SEPTEMBER 28-29, 1961

Assemblyman LESTER A. McMILLAN (chairman). Mr. Pontius, you are in the room. Would you care to take the stand and make a statement? In behalf of the association you represent?

H. JACKSON PONTIUS. Thank you, Mr. Chairman. My name is Jack Pontius. I am the executive vice president of the California Real Estate Association. I feel that in view of the present testimony, and I did not come here prepared to make any written testimony or provide something to the committee, but I think that to enlighten the committee on the use of the term "realtor," because of your further discussions that will take place today and tomorrow, I should mention its use, and be prepared, and I am prepared, to answer any questions which you may have with regard to its use as a term, because I know you gentlemen are here for the purpose of hearing of the problem that some people have complained about and much of it surrounds the use of the term "realtor." This particular term is copyrighted by the National Association of Real Estate Boards—NAREB, as we refer to the national association. It therefore owns the copyright which has been granted by the U.S. Government. Each local real estate board who applies and becomes a member of the national association, through contract with the national association, is responsible for the use and the control of the term "realtor" in its respective community. The State law says that anyone who uses the term without authority is subject to the revocation of their license, under section 10177E. This is similar to other sections in other laws governing the use of terms used by licensees. The California Real Estate Association is a member of the national association by virtue of what we call a three-way agreement. To belong to, and use the term "realtor," an individual must belong to a local real estate board, the State association, and the national association. Through our agreement with the national association we cannot accept members who are not members of NAREB and cannot accept members who do not belong to our state association.

Each local board, of which we have 169 in the State of California is autonomous within its own right. The only control which the national association has of a local board, and I am referring to a real estate board as a nonprofit organization, some of them incorporated under the laws of the State of California, others just associations, nonincorporated. Each board is autonomous in its own right and we can only reprimand that board in the event that the board establishes what is known as an inequitable limitation upon its membership as a policy, or in its bylaws. And that we attempt to watch very closely. The national association can do the same thing. We have no control upon the members. The California Real Estate Association, for example, accepts the membership as submitted to it in the local boards. We have no right to turn them down if the local board accepts them. I know of no local real estate board in the State of California that has a policy of selecting or not selecting their members because of race, color, creed, religion, or anything else. In fact, we've never made a survey of this situation in the State of California because we didn't feel it is one that should concern us. We feel that this is a matter that is taking care of itself very nicely. We have members from all walks of life, members of our State association and the national association. We have had a Negro past president of a local board; we have had Chinese past presidents; we've had Japanese; we've had Spanish, Mexican, and presently I know of one local board that has a Negro secretary. Now, it seems to me that the communities that are selecting these people have not been discriminatory in their selections. The people have contributed well. I didn't mean to take so much time in getting into the association structure. I wanted to stick more closely in relation to the use of the term "realtor." Are there any questions which you may have with regard to the use?

Mr. McMILLAN. Mr. Levering?

Assemblyman LEVERING. I wonder if I understood you correctly, Mr. Pontius. Let me ask you this question. Are there members of the Negro race that are members of the Los Angeles Realty Board and of the California State Realty Association? The other gentleman said not, a moment ago.

Mr. PONTIUS. I know of no colored members who are members of the Los Angeles Real Estate Board. We have 35,000 members and I don't know them all. We have colored members. There are none that I know of in the Los Angeles area. We have some in Pasadena, we have some in the San Diego area, San Francisco, Sacramento, Antelope Valley, numerous places throughout the State, and no one has ever particularly—there are many that I don't know about, because I have never run onto them. These people are just people that I have personally met in my travels throughout the State.

Mr. LEVERING. Well, then your answer would be this that if there are no members from Los Angeles, Negroes, who are members of the State association, that would come within the framework of the bylaws of the Los Angeles Board. Isn't that right?

Mr. PONTIUS. Yes. However, I can say this, Mr. Levering, that the bylaws of the Los Angeles Real Estate Board say nothing, and I know of no policy with the Los Angeles Real Estate Board with reference to their attitude on this thing.

Mr. LEVERING. Well, it would come within the scope of their action, then.

Mr. PONTIUS. You are correct. The individual members of the membership committee, not the board of directors.

Mr. LEVERING. All right. Whoever is the body that does the accepting or rejecting.

Mr. PONTIUS. That is correct. Right.

Mr. LEVERING. Thank you, sir.

Mr. McMILLAN. Mr. Elliott.

Assemblyman ELLIOTT. Mr. Pontius, about how many members are there in the Los Angeles Realty Board?

Mr. PONTIUS. The Los Angeles Real Estate Board has approximately 1,800 members, I believe in excess of 1,800.

Mr. ELLIOTT. 1,800 members. And you say of those 1,800 members there are no members of the Negro race?

Mr. PONTIUS. Not that I know of. That is correct.

Mr. ELLIOTT. And about how many brokers would you say in Los Angeles County are, a very substantial number who are persons of the Negro race?

Mr. PONTIUS. Well, Mr. Elliott, I would say that the State division of real estate estimates that there are somewhere between 65 and 70 percent of all the licensees in the State of California south of Santa Barbara. Perhaps that comes close enough to answering your question. I would like to mention this, however, that of all the licensees, of which there are many in Los Angeles, there are many people who have the license in their pocket and are not directly involved in real estate, and I am sure that if a matter of that kind were to come up, the board would have that in mind, but those people do not usually apply for membership.

Mr. ELLIOTT. Doesn't it appear to be pretty evident that there is a policy of excluding members of the Negro race when there are apparently a very substantial number in Los Angeles County who are eligible and qualified to become members and who are participating licensees and out of 1,800 members there isn't one single member of the Negro race?

Mr. PONTIUS. Well, Mr. Elliott, I don't know how many Negro members may have applied to the Los Angeles Real Estate Board. I know that there have been many, many members who have applied to the Los Angeles Realty Board and other boards who have been turned down. I don't know their reasons. Furthermore, I think we have to keep in mind that when people are turned down, regardless of where the membership committee might exist, whether it is in Los Angeles or San Francisco, it isn't the board of directors; it isn't the board in its entirety that may or may not vote for a member; it might be several individuals, and how are you going to determine who those individuals are when it's in the individual's mind? And this is the thing that concerns me about legislation of this type. I don't know how you can legislate to pick a man's brains, and know the truth.

Mr. ELLIOTT. Don't you think that it is poor policy, or do you think it is poor policy on the part of the Los Angeles Board, not to show some leadership in the world in which we live, to encourage qualified Negro licensees to apply and become members of their group.

Mr. PONTIUS. Mr. Elliott, the Los Angeles Real Estate Board has been quite instrumental, and quite active, in working with the city of Los Angeles in some of the housing problems that affected this very situation. And I would say in regard they have been leaders in their community. One of the principal policies of the Los Angeles Real Estate Board has been to work with the city and with the problems of the city. Now, I don't know to what extent—I understood that a group was to have sat down with the Los Angeles Board and discuss this matter. They proposed to do it in the next few weeks. I am not fully aware of that program, but I heard some comments.

Mr. ELLIOTT. You mean you are going to discuss this matter of excluding persons of the Negro race?

Mr. PONTIUS. I don't know if it was exclusion or just what it was, but they said that there is some group—I don't know whether they are the members of the Consolidated Realty Board or who they are.

Mr. ELLIOTT. Thank you.

Mr. McMILLAN. Mr. Knox.

Mr. KNOX. Mr. Pontius, as I understand it, the State law protects the use of the word "realtor," and the only persons that can use the word "realtor" are the members of these private associations. Is that right?

Mr. PONTIUS. That is correct.

Mr. KNOX. So that although a person might be licensed under the State, licensed as this gentleman that just spoke to us was, a real estate licensee, he can't use the term "realtor," and that has the protection of the State law. Why should that be?

Mr. PONTIUS. Well, you know the State law also covers the Negro organizations. There is an organization known as Realtists—R-E-A-L-T-I-S-T—which was formed at the national level by—and their national emblem is the same as ours. Ours is National Association of Real Estate Boards known as NAROB, and theirs is National Association of Real Estate Brokers, also identical to NAROB. This group was organized back in the late 1940's, I believe, and in cooperation they called upon the then executive vice president of the National Association of Real Estate Boards to assist them, and our national association helped organize that particular group. The term "realist" is also protected under the State law of California. In the event anyone should attempt to use that without authority, if they should use the law to uphold their term, they have that equal right.

Mr. KNOX. But as far as you know the two organizations are segregated, then, one is, you indicated, the Negro association and the other—

Mr. PONTIUS. No, there are white members who are realists, I mean Caucasian members, and there are Negro members who are members of our national association of real estate boards, and, the Californian Real Estate Association and some of our local boards.

Mr. KNOX. So you didn't mean your first statement that the Negro real estate people had organized. You didn't mean to say that.

Mr. PONTIUS. Pardon?

Mr. KNOX. You didn't mean to say that the Negro members were organized. That's what you said originally when you described the realists.

Mr. PONTIUS. Oh, yes. They—well, they were the ones that started it as I understand it.

Mr. KNOX. Thank you.

Mr. McMILLAN. Any further questions? Mr. Williamson.

Mr. WILLIAMSON. Mr. Pontius, do I understand that your organization does not intend to make any kind of statement at these hearings on this subject?

Mr. PONTIUS. Well, I had nothing on the agenda. I was informed that you were having a meeting. We have a State convention this is scheduled to take place Monday with, we hope, 5,000 people here, and some 500 individuals on the program, and believe me, we've been snowed under with that. As far as a statement is concerned, I talked to Mr. Miller here a moment ago, and I will be here tomorrow and perhaps be prepared to make a statement then. I said when I arrived here that I was not prepared to make a statement now.

Mr. WILLIAMSON. Are there going to be additional hearings, Mr. Chairman?

Mr. McMILLAN. Well, we're meeting tomorrow and we will try to afford Mr. Pontius an opportunity to make his statement tomorrow.

Mr. WILLIAMSON. I notice on the agenda that there are a number of representatives to speak for the Consolidated Realty Board. Are they a member of your organization?

Mr. PONTIUS. No. And I'm glad you brought that up, Mr. Williamson. I neglected to cover that particular item in the structure of our relationship with the national association. The national association, in granting the use of the term "realtor" sets up a jurisdictional area, and according to the national association, there can only be one local board in each community or in each city. Of course the first one that is granted that jurisdiction holds that jurisdiction for as long as they wish. It's difficult—I say it is difficult—it can be done, but it is very difficult to take away from a local board any jurisdiction that has previously been granted to them. We have had some occasions in the Los Angeles metropolitan area where a number of boards wanted to organize, but, and in fact in Los Angeles County we have approximately 40 real estate

boards now. Each of these boards has a separate jurisdictional area which is granted to them by the national association. That means that the Consolidated Real Estate Board which was organized after the organization of the Los Angeles Realty Board, if they were to petition for an area within Los Angeles, it wouldn't be available to them because Los Angeles has already been granted that territory. Now, I understand that in 1953 when Charles Shattuck, whom some of you know here in Los Angeles, the president of the National Association of Real Estate Boards, that members of the consolidated board spoke to Mr. Shattuck about this problem, and he said that if they would sit down with him he would be glad to see, if they would apply, he would be glad to see what he could do about seeing that they had a jurisdictional area to cover the area of the Consolidated Realty Board which would permit them to become a member of the National Association and the California Real Estate Association. I can't give you all the details on that, but from what I have been able to learn, there was no application submitted.

Mr. WILLIAMSON. Well, the main thing I wanted to clear up; I wanted to establish that these people will not be speaking for you, nor would their remarks be interpreted as reflecting the position of the California Real Estate Association.

Mr. PONTIUS. There are a few real estate boards who are not members of the national or the State associations. Many of them are organized for the benefit of the individuals in the area because their business is in a specific vicinity. It gives them an opportunity to have meetings in their own community and many of those same people belong to other nearby real estate boards and by virtue of that are members of our State association.

Mr. WILLIAMSON. Well, Mr. Chairman, I would just like to observe that, for Mr. Pontius' benefit, that it would seem very strange to many people, it seems to me, that an organization such as yours who express such definite opinions on some of the legislation that we are considering and who are so active at Sacramento, did not take advantage of this opportunity to put the views of your organization on record so that the committee would have the benefit of it.

Mr. PONTIUS. I'm sure you'll hear further from us, Mr. Williamson, because I said I wasn't prepared to say anything this morning. In fact, I had difficulty even arriving here this morning.

Mr. McMILLAN. Mr. Pontius, I want to clear up some points, now. You were notified of this meeting, and you were invited to attend and submit any statement that you wished.

Mr. PONTIUS. Yes, yes, indeed.

Mr. McMILLAN. Well, I just wanted to get that clear for the record.

Mr. PONTIUS. Yes, we received a notice and I also received a telephone call from your secretary. But I was attempting to express the problems we have with a lot of last-minute details on this.

Mr. McMILLAN. All right. Thank you, Mr. Pontius.

Mr. PONTIUS. Thank you.

Mr. McMILLAN. Before we hear anyone—well, all right, Mr. Shaw.

Mr. LESLIE SHAW (president, Family Savings & Loan Association). First of all, sir, I am not a member of the consolidated realty board. Second—

Mr. McMILLAN. What is the consolidated realty board?

Mr. SHAW. The consolidated realty board is a board composed of—that was organized and 90 percent of the membership, 98 percent of their membership, probably, is all Negro. The reason they were organized is because they were refused entry to the Los Angeles Realty Board some years ago. As far as their—Mr. Pontius said there are some Negroes in the area who are members of their board. There is one to my knowledge in Pasadena. I don't know of any in San Diego. The basic problem here is this—and I have been told this by a realtor, I am not certain of this—but the most important aspect of this problem is, and the reason I understand that they do not wish to permit Negroes to become members of the board, is because of their multiple listing system. This would afford any Negro broker the opportunity to sell housing on an open occupancy basis, because they would have the information as to where and how many houses there are available for sale. This, first of all, in my opinion, curtails a real estate broker in good standing from making an adequate living. It also, in my present business, curtails my efforts because of the lack of information as to sales, to do the type of job that should be done as a lender in this community. I am still the custodian of funds for other people and it is incumbent upon me to do the best job that I can as far as ascertaining values and this

service is denied me. I think that in addition to that, the term "realist" does in no way assist me in becoming a member—me or anyone else—in becoming a member of the American Institute of Real Estate Appraisers, and this, as I stated before, is an objective that most of the fellows in real estate have in order to better themselves, to do a better job in the community. Thank you very much.

Mr. McMILLAN. Thank you. Is Mr. Harrington in the room? Mr. Harrington, you represent the State real estate commission? Have you anything you would like to add at this time?

Mr. G. E. HARRINGTON. Mr. Chairman, my name is G. E. Harrington, assistant real estate commissioner. I would like to clarify the exact wording of one of the sections of our law which has been talked about this morning. I'd like to read verbatim the actual section, and it is 10177E and it gives the grounds for suspension or revocation of a real estate license, and it says: "One who willfully uses the term 'realtor' or any trade name or insignie of membership in any real estate organization of which the licensee is not a member." Of course we are concerned only, that any licensee will not use some term which is misleading or false when he is not actually in membership of any organization, and not only a realtor.

Mr. McMILLAN. Any questions? You want to ask Mr. Harrington? Mr. Knox.

Mr. KNOX. Now, as I understand it, does the real estate commission assume that there are any special qualifications or special degrees of trustworthiness attached to membership in the real estate association Mr. Pontius represents?

Mr. HARRINGTON. No, sir. We are only concerned, as I said, if a person belongs to any particular organization, he may use that term of course, and put himself up to the public as a member of that organization. But if he is not a member we don't want him using any term. We do not attach any particular significance as far as our licensing laws are concerned, Mr. Knox, to the California Real Estate Association or any other association. They are all real estate brokers as far as we are concerned.

Mr. KNOX. In other words, your examination and your other methods of determining competency are enough for you, and principally you want to see that your people maintain an ethical attitude in their dealings and that they go along with the other laws and regulations. Why is it then, that it should be a cause for suspension of license simply if it was a question of using somebody's private trade name that has nothing to do with the qualifications as a real estate person?

Mr. HARRINGTON. Well, because whenever they are using a trade name of any kind they are representing to the public that they are a member of some organization of which they are not actually a member. We think that that is, or would be, false or misleading.

Mr. KNOX. But it has nothing to do with the competency of the individual as a real estate person, which is really the only thing the commission is interested in.

Mr. HARRINGTON. I believe it goes further than just his competency—it goes to his actual actions of representing himself to the public in a capacity of which he is not actually a member of an organization. By the way, this law—I did a little research on it this morning—it was enacted in 1933 and it has been on the statutes since that time.

Mr. KNOX. Have you ever suspended someone for using the term "realtor" or disciplined them?

Mr. HARRINGTON. Yes, we have. I can think personally of two occasions.

Mr. KNOX. Was their license actually suspended or do you recall what the disposition of the case was?

Mr. HARRINGTON. In one case the license was actually suspended for a short period. Of course in that particular case there were some other allegations also, so it is difficult to determine, but as I recall the findings did say that one of the grounds for suspension was the use of the term realtor when the person was not actually a member.

Mr. KNOX. And the board would actually discipline someone for doing something that has absolutely no relationship to his honesty or his capabilities or competence as a real estate person.

Mr. HARRINGTON. Well, as I said, we take the position that because the law is on the statutes that it was their—

Mr. KNOX. I understand you are simply enforcing what the law is, but I am just reflecting as to what its effect is.

Mr. McMILLAN. Well, thank you, Mr. Harrington. Now I would like to introduce another member of the committee who just arrived—Mr. John O'Connell from San Francisco, the second from the end. John, we are glad to have you with us. The committee will now recess until the hour of 2 p.m.

TESTIMONY OF MRS. VAINO H. SPENCER AND REPRESENTATIVES OF THE
CONSOLIDATED REALTY BOARD

ASSEMBLY INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY
HEARING IN LOS ANGELES, SEPTEMBER 28-29, 1961

Assemblyman LESTER A. McMILLAN (chairman). Mrs. Vaino Spencer, on the consolidated realty board. Do you want to bring up the other people who are with you today from the consolidated realty board? Go right ahead.

Mrs. VAINO HASSAN SPENCER. My name is Vaino Spencer. I am an attorney and I have been the attorney for 9 years for the consolidated realty board as an entity as well as attorney for a number of the broker members of that board.

Mr. McMILLAN. Could you tell us, what is the consolidated realty board, and introduce the other people with you—will you?

Mrs. SPENCER. Fine. To my left is Mr. Wesley J. Fairchild, former president of consolidated realty board, a gentleman who has been active with the real estate brokers for a number of years in Los Angeles and whose office is in the southwest section of the city; and to my right is Mr. Victor Nickerson, also a member and former president of consolidated realty board, who has had a long experience as a broker and also as a real estate appraiser, formerly associated with the Golden State Mutual Life Insurance Co. With reference to the board, this organization was created in 1949, founded principally because the founding members had for some years endeavored to join the Los Angeles Realty Board and the affiliate associations of the Los Angeles Realty Board and had been systematically denied membership. The group concluded that they were going to continue to be denied, and that the denial was based upon race. They desired to associate themselves together to get some of the benefits of a real estate association. The association has grown and is comprised predominantly of Negro real estate brokers operating in the Los Angeles area.

Mr. McMILLAN. Is this part of a national association? Or is this independent?

Mrs. SPENCER. Yes, and this is affiliated with a State association known as the California Association of Real Estate Brokers, and also with the National Association of Real Estate Brokers. The national body was founded for the same reason, because throughout the Nation Negro real estate brokers have found over the years that they were systematically being denied membership in the local of the National Association of Real Estate Boards. And the various counterparts of consolidated realty board exist throughout the Nation in most all of the major cities, and these are affiliated with the national association I just referred to.

Mr. McMILLAN. How many members do you have?

Mrs. SPENCER. At this time? There are approximately 100 real estate offices that are affiliated, and the staffs of these offices vary from 5, I would say would be the average—some of them have as many as 15 staff members—who are also members of the board.

Mr. McMILLAN. Well you proceed with your further witnesses. Did you complete your statement?

Mr. KNOX. She hasn't started yet.

Mr. McMILLAN. You haven't started yet. I've been interrupting you. Go ahead and speak and then after you conclude we'll ask some questions probably.

Mrs. SPENCER. That's perfectly all right. I'd like to say that from time to time, particularly during the period 1955-59, a number of the Negro real estate brokers contacted me to determine whether or not they had a cause of action in our law court to compel the Los Angeles Realty Board to accept them to its membership. At that time they brought to my office copies of their application, gave me a biography which clearly, as least as far as I was concerned, supported their contention that they were in every way qualified for admittance to the Los Angeles Realty Board, and also brought their letters of rejection.

At that time I made what I consider to be a careful study of the law and concluded that there was absolutely no basis for bringing such an action under our present laws. Since that time a number of other gentlemen as well as some of the same members have again applied, time and time again. This began in 1955 when I first became interested in it and as recently as this year some of the members of consolidated have also applied to the Los Angeles Realty Board and been refused. Now, in addition to these members being refused, I mean the Negro brokers, there are also a number of white real estate brokers who are members of the Los Angeles Realty Board and have held membership in that body for several years, but who are denied membership in the southwest realty board, which is an affiliate, and the basis of the denial is because of the fact that these men associate with consolidated realty board or have close association with some of the Negro brokers and cooperate with them in the sale of property. Now, the problems that stem from this practice of exclusion and the threat of discipline that is inherent in the present practices of the southwest realty board as well as the other affiliates of the Los Angeles Realty Board, relate to situations like this, where a Caucasian member of their board desires to cooperate in the sale of a property in, shall we say, a fringe area, an area that has some integration but is not, oh, 70 percent or so, integrated, and the practice of the board is to discourage its members from selling property in areas of this type to Negroes or other minorities. And hence the broker is threatened with discipline which takes the form usually of being fined and amount equivalent to the commission that he earned, and if this is repeated to be expelled from the board. This has been done; then they, too, are hamstrung in the sense that they cannot operate freely as they would if these restrictions didn't occur.

Further than this the thing spills over so that the owners of properties who desire to place their property on the market and have it sold at a fair price and get a reasonably quick sale, they are restricted in the sense that the practice requires that the listing broker if he is a member of any of the Los Angeles Realty Board affiliates, he must hold that property until a Caucasian buyer or a buyer who is acceptable to the group appears. Now, in addition to the obvious economic problems in this practice, it spills over into other areas in that the association of appraisers, the American Institute of Appraisers for example, requires as a condition of membership that an applicant must first be a member of—must first be a realtor. Now, in Los Angeles there are no Negro brokers who are realtors. This is not true in areas such as Pasadena and San Francisco. It is true generally throughout the United States with some rare exceptions such as Pennsylvania and Washington, D.C. And in these areas wherever this preclusionary practice is not in effect, there are appraisers who are affiliated with the American Institute of Appraisers. Now, this problem has been brought home very sharply to me within the past year, because I have been representing a number of homeowners in Stockton who are caught in the blind of urban redevelopment. Unfortunately, the group had to come to Los Angeles to get counsel because they were unable to engage local counsel. They were also unable to engage the services of a local appraiser. The appraisers who have been engaged there, who are all members of the American Institute of Appraisers are working for the agency. I have had to take appraisers from Los Angeles and because of these preclusionary practices these appraisers, although eminently well qualified, have not had the benefit of being associated with the American Institute.

This can be a handicap in a trial because the buildup that is given to affiliation with the American Institute is such that the trial judge in one case thought it was equivalent to a master's degree conferred by a university. So the other side of that is the fact that in any association members tend to stick together and the brokers in the Stockton area, for example, being realtors, had the benefit of all of the comparable sales data, their comparable files, which is readily made available to all of the appraisers who are also affiliated with the realtors. This information is denied to the appraiser representing the homeowner because he does not have this affiliation. Hence, he is under two handicaps, having to come from another city, and to work from the outside, trying to get all the comparable data. Obviously with this handicap, this does not make for a fair presentation of the evidence and has resulted, in some instances, in a miscarriage of justice as far as the court being able to determine the fair market value of the property. In connection with the urban redevelopment problem I would like to say that I was very gratified by the past session of the legislature in enacting the article 3 to our Business and Profes-

sions Code which deals with the causes of blight, slums, and also the provision which you set forth for assisting the displaced persons in being relocated. However, the problem that has flown from this is that this language is only permissive, as the language in the code is permissive only with reference to the relocation payment, and because it is permissive, and since there isn't any condition precedent which requires that the displaced person, the person to be displaced, must first be given an opportunity to find housing before possession of his property can be taken.

The practice of the agency is still one of ignoring the permissive section and taking possession without regard as to whether or not the people can be relocated. And, obviously, when you have a small community like Stockton, and this can happen also in Los Angeles, just because of the restrictions on where people can live, the surrounding properties on the periphery soar in price the moment that redevelopment becomes a reality and hence people are forced to go and pay inflated prices for properties not much better than the ones they are being displaced from. And yet, because of the problems we have in getting this testimony in, and the question of comparable sales and so forth, the adjustments that the court will naturally make, the people do not receive the highest price that they would normally be entitled to under the court interpretation of what is fair market value. I think generally that sums up the problem except that I would like to comment on the problem of minorities with reference to getting financing. Fortunately, throughout recent years at least, there has been an abatement of the discriminatory practices which existed for so long, in that now most of the institutions will readily loan to applicants without regard as to race, but this is where the similarity stops. It is a fact that certain minorities—this is particularly true of the Negro minorities—do pay higher interest rates, and in addition to this there is a disparity with reference to the loan point charge by loan correspondents. This has caused, in some instances, an increased rate of foreclosures, because frequently a second trust deed has to be created, just to take care of these costs. And I don't believe that the incident of foreclosures is any higher in the areas where most of the homeowners are Negro. However, this creates an added burden, and I think that many of the foreclosures are attributable to the existence of the second trust deed.

Mr. McMILLAN. Thank you, Mr. Levering.

Assemblyman LEVERING. I am interested in your last statement about the higher interest charges and the increased burden brought upon this group by financial institutions. Do you suppose that—maybe you can't answer this—do you suppose that these financial institutions keep records on the payments made by various racial groups as to the risks and determine actuarially whether they have to charge a higher rate because of loss, or do you suppose it is just plain discrimination. Have you anything on that?

Mrs. SPENCER. I have made inquiry, and it is my understanding that there are no records kept on the basis of race, once the application is approved and the loan is made. However, this, in my opinion, relates to this unfortunate stereotype that exists, wherein certain minority groups are deemed to be poor risks.

Mr. LEVERING. Without justification.

Mrs. SPENCER. Without any proof of it. I think there is no question about it. Individual cases should be treated as individual cases.

Knox. Mrs. Spencer, could I ask whether or not you attempted to obtain appraisers in Stockton? Did you attempt to obtain appraisers who were members of the real estate association, or realtors?

Mrs. SPENCER. Yes. All of the appraisers in Stockton are realtors.

Knox. Why couldn't you use any of those people?

Mrs. SPENCER. Because they refused their services.

Knox. They refused to testify? Did they refuse to appraise the property or simply to testify?

Mrs. SPENCER. They refused to appraise the property. They refused to have any association with the defendants in these cases. I don't know if you are acquainted with the atmosphere that is usually engendered—I shouldn't say usually, because my experience relates to just one instance—but there is tremendous hostility.

Mr. Knox. Pardon me if I interrupt you for a minute. Let me tell you what my experience is. I also try a number of these cases up in Richmond. We haven't had that trouble at all, and that's why I wanted to go into that. We have no trouble in obtaining appraisers, licensed realtors and others if you pay their fees, which are sometimes high. I just wondered if you could elaborate on why you were unable to obtain local appraisers.

Mrs. SPENCER. My experience there has led me to these conclusions. There was a tremendous interest engendered by the urban redevelopment program and all of the forces in the community of any influence, the chamber of commerce, all of the service organizations, the Stockton Record, which is the only newspaper there, all of the officials, every person of any prominence, was rallied to the cause of urban redevelopment. Which incidentally I want to say that I am all in favor of. I think the urban redevelopment is a wonderful program if properly administered. However, when the homeowners did not immediately accept the offers which were made, and there is no question that the offer which was made was not necessarily the highest offer, based upon the agency's own appraisals, own appraisal report. They adopted a "concurred in" approach, you know. And then when they didn't accept this—many did. Many did, incidentally, under the belief that their property would be condemned, meaning that it would be taken anyway, and they would get nothing if they didn't accept the offer. Now those that held out were then treated with a great deal of hostility, as though they were responsible for holding up the progress, and everything closed against them.

Mr. KNOX. Hostility by whom? By the agency, or by everybody?

Mrs. SPENCER. By the community, as far as the influential sources in the community are concerned. And the agency as a broker.

Mr. KNOX. Excuse me. I'm sorry. You mean the agency disclosed to other people in the community that certain individuals were not accepting the concurred in values, and therefore—

Mrs. SPENCER. Oh, yes. This was well publicized.

Mr. KNOX. Then it was discussed publicly—the individuals, the names involved?

Mrs. SPENCER. Yes. As a matter of fact, when I first commenced the file of these cases, the situation was completely out of hand in that someone gave the press misleading information as to what had been offered and they published the alleged offer.

Mr. KNOX. They published in the paper the offer?

Mrs. SPENCER. The alleged offer. And this would appear 2 or 3 days prior to the trial and during the entire course of the trial, and obviously the jury would be prejudiced by this information. Frequently the information was—I won't say frequently, in every instance the information was incorrect. And they also published the asking price, in other words, what the defendants contended their property was worth.

Mr. KNOX. This was just prior to the trial.

Mrs. SPENCER. Two or three days before and during.

Mr. KNOX. Let me ask you this, did the agency in the plaintiff's case come up with that amount that they thought the property was worth? Or did they come up with less? Customarily they will offer an amount, and if you don't take it, they will come into court with a lesser figure.

Mrs. SPENCER. That is right.

Mr. KNOX. Now, did they do that in this case?

Mrs. SPENCER. In every instance. In other words, I had received by virtue of stipulation at the pretrial, copies of their appraisal reports, which were made in 1958 and 1959. Now, in every instance, their—I won't say that—in one instance there was a variation. But in all but one case, their appraisers came in and testified to a lower valuation than their 1958 or 1959.

Mr. KNOX. You were able, in deposition, to get their appraisal as part of the trial?

Mrs. SPENCER. Yes. The pretrial, by stipulation.

Mr. KNOX. Did you two other gentlemen want to make some comments?

Mrs. SPENCER. This is Mr. Nickerson who has had some experience I was referring to.

Mr. KNOX. Did you testify as an appraiser, sir, in Stockton?

Mr. NICKERSON. No, I did not. I testify in court as an expert witness in the area in which my office is located. It seems to me there is some injustice. I have appraised in the Los Angeles area for approximately 10 years and this appraisal institute which is sponsored by the national board is similar, I would take it, to the, to a doctor, perhaps, wanting to become a member of the American Medical Association, who has passed the State boards and has, perhaps, his specialty, and applies for membership, and in certain cities, because he happens to be of the wrong racial group, is denied membership. The same for other professional groups—the American Bar Association. Now, it may be that in my lifetime I will never, perhaps, be a realtor, or perhaps even apply for mem-

bership in this professional organization. But my presence here is dedicated to the principle that at some future date fair play will come to all Americans who have qualified educationally and by experience for membership in this type of professional competence organizations.

Mr. KNOX. Do you belong to the SRA?

Mr. NICKERSON. No, I do not.

Mr. KNOX. Is that part of the real estate association?

Mr. NICKERSON. No, it is not.

Mrs. SPENCER. In connection with SRA, however, I would like to say that the appraiser whom I used on behalf of the defendants in Stockton, Lowell Stuart (?), is a member of the SRA. And they do not have this prerequisite for membership, that you must be a realtor. May I just say this, before closing, it has been brought to my attention by some of the members of consolidated realty board, that they have, as recently as April of this year, had experience with reference to loan applications before two of our insurance companies, they are life insurance companies, where they were contacted after having filed their plans with the city plan check department for new construction, they were contacted by the correspondent, the loan correspondent, for both of these life insurance companies with reference to asking that an application be submitted to their respective companies. And after application was submitted, in the course of subsequent conversations, they were advised that the policy of both of these companies was not to make loans to, or rather for property being purchased or built in areas that were not predominantly, or rather to Negroes if the area were not predominantly, Negro. And in both of these particular locations, the area was approximately 50 percent integrated. I wanted to comment on your assembly bill 1001, which I believe passed the assembly but failed to pass the senate. I certainly urge that everything be done for the passage of this bill. It is an excellent bill and would go a long way toward curing the abuses that we have talked about.

Mr. McMILLAN. Did you want to make a statement? Will you speak into the mike, please? Will you state your name for the record?

WESLEY J. FAIRCHILD. My name is Fairchild, Wesley J. I am affiliated with Consolidated Realty Board. I would like to make this observation, based upon these things and certain acts as far as the State of California is concerned with reference to, well, this, I suppose, would be from the Governor down to the commissioner and his deputies. It appears to me that word "realtor" is copyrighted. It appears to me that under the law the State upholds that copyright. And it also appears that every broker must take the same examination to become a real estate broker in the State of California. He must be fingerprinted, etc. He is supposed to be qualified or they won't accept him as a broker. Since, then, the State upholds this copyright "realtor," certainly it would appear to me that you lawmakers should find somewhere along the line where if it is going to uphold that, every real estate broker should have the right to be a member of that board. Thank you.

Mr. McMILLAN. I agree with you. Mr. Williamson.

Mr. WILLIAMSON. I understand what your situation is. Now, as I understand it, the Consolidated Realty Board is an all-Negro group. Is this right? Are all nonwhites?

Mrs. SPENCER. No, it's not. It's an integrated board, but it is the only board that the Negro brokers can join.

Mr. WILLIAMSON. It's an integrated board. I see. Are there members of your board who have dual membership; that is, who belong to your board and also the Los Angeles Realty Board?

Mrs. SPENCER. Yes.

Mr. WILLIAMSON. There are. But, as I understand it, first, members of your board, in fact your board was originally formed because of the fact that the individuals had not been able to obtain membership in the Los Angeles Realty Board or any of the other boards in the area. I understand, also, that some white real estate brokers who cooperate with you in some of your business dealings have because of this, been denied membership in, what is it, the Southwest Realty Board?

Mrs. SPENCER. Yes, that is correct.

Mr. WILLIAMSON. I see. Now, let me ask you one other question. Do any of these boards, yours, or the Los Angeles Board, or the Southwest Board, provide multiple-listing services.

Mrs. SPENCER. Yes. All of them do.

Mr. WILLIAMSON. Los Angeles Realty Board provides a multiple-listing service.

Mrs. SPENCER. The branches—in other words, the Southwest Board, which is affiliated with the Los Angeles Realty Board, has a multiple-listing service.

Mr. WILLIAMSON. I see. Now, let me be sure that I understand this, now. The Los Angeles Board is not on the same level, you might say then, as the Southwest. In other words, it is a sort of superstructure over many other boards.

Mrs. SPENCER. That is correct. It is the parent body, and, as I understand it, one must be a member of the Los Angeles Realty Board, as a condition to membership in any of the affiliate boards such as the Southwest. The other boards exist to cover areas. In other words, there is a Lynwood branch, a Compton branch, and several branches throughout the city. And the purpose of that, is because they service the brokers whose practice or business is confined to those particular areas.

Mr. WILLIAMSON. So, therefore, even though the Los Angeles Board, as a board, does not provide a multiple-listing service, other boards in which membership is dependent upon membership in the Los Angeles Board, do, and so therefore you folks are denied participation in multiple-listing activities that are engaged in by these other boards.

Mrs. SPENCER. That is correct.

Mr. WILLIAMSON. I see. Do you provide a multiple-listing service for your members?

Mrs. SPENCER. Yes. There is a multiple-listing service provided by this board.

Mr. WILLIAMSON. I see. How general among the individual boards in the Los Angeles area that are members of the Los Angeles Board, is a multiple-listing service? Is it a pretty general practice?

Mrs. SPENCER. You mean as far as the affiliate boards are concerned? Oh, yes. Each one.

Mr. WILLIAMSON. Each one does.

Mrs. SPENCER. This is the lifeline of the real estate business, as far as the brokers are concerned.

Mr. WILLIAMSON. I see. So, in other words, there is much of the market that you have no access to whatsoever.

Mrs. SPENCER. There is much of the market they have no access to, yes.

Mr. McMILLAN. Mr. KNOX.

Mr. KNOX. Do you happen to have any clippings on the press handling of the redevelopment trials in Stockton? Available?

Mrs. SPENCER. I don't have them with me, but I will certainly be glad to get them. I am going back Monday.

Mr. KNOX. If we could get some copies I think it might be interesting. Also, are the areas being taken by the redevelopment agency, or at least the projects now in activity up there, are they taking areas that are predominantly occupied by Negro people?

Mrs. SPENCER. The area comprised 185 acres, approximately 800 families, and all but 6 of the families were either Mexican or Negroes. The area is pretty evenly divided between the Mexican community and the Negro community.

Mr. KNOX. Do they have a relocation group working with these people?

Mrs. SPENCER. They had a relocation center operated by the agency and I have many complaints about this, but that's—

Mr. KNOX. Have they managed to relocate anybody?

Mrs. SPENCER. Yes, the people have been relocated and through the efforts in part of the relocation center and the problem that has been called to my attention by some of the people who have been thus relocated is the fact that they have been relocated into substandard housing which is itself subject to be condemned under the police powers. And when I have in turn called this to the attention of the relocation center, their explanation is that this is a temporary relocation, and yet, they admit that there is no provision for, wherein they can, at any time, reacquire, I mean, that they can purchase this property from the homeowner who has put his money out. And obviously the seller isn't going to rescind the transaction 3 years hence. So I don't know what they are planning to do about permanently relocating the people once they have already purchased these other substandard homes.

Mr. KNOX. Are they building dwelling units in the area that they have already taken for redevelopment or is it for industry, or what?

Mrs. SPENCER. No, it's going to be partly for industry, but the present plan calls for most of the area to be used for residential purposes.

Mr. KNOX. Will the price of those units be such that the people who have been displaced can acquire them?

Mrs. SPENCER. This has not been determined. I have been endeavoring to get information on this. Other than the plan, with reference to the pictures of the type of structure, there isn't any detail available, on that. Unfortunately, though, there has been no effort made to relocate any of the people on a temporary basis with the thought that they may come back in, you know, or participate in the improvements in this area. And incidentally, under the 221 program, the other distressing thing to me, has been that there is no real effort made to qualify or even to advise the people who were being displaced, and who did relocate, that they were eligible for the 221 program.

Mr. KNOX. That's the owner participation program.

Mrs. SPENCER. No, this is where they can get a 40-year loan, you know, up to \$11,400 in that area financing for new houses. There were 150 allocations for 221 loans given to the area and 75 of these have been used, but they have been used by builders who use them and build property in areas where the brokers will not sell to Negroes. And after holding them for 30 days, as you know, under the law, they are permitted to put them on the open market and get all the market will bring in on them.

Mr. KNOX. Did they allow any owner participation in this area as far as you know?

Mrs. SPENCER. Yes, a small section, called the Burkend (?) Acres, comprising approximately three short blocks, which is—oh, less than one-twentieth of the whole area.

Mr. KNOX. Were those blocks occupied principally by Negro people or minority groups?

Mrs. SPENCER. Principally by Mexican—it is a pretty mixed situation as far as the two groups were concerned.

Mr. KNOX. Thank you.

Mr. McMILLAN. If there are no further questions from the members of the committee, we want to thank you very much for your presentation.

Mrs. SPENCER. I want to thank you, and I also want to thank the assembly for the many wonderful bills that you have passed, from which we have certainly benefited.

Mr. McMILLAN. It looks as though we need some more bills.

Mrs. SPENCER. We certainly do.

Mr. McMILLAN. Thank you.

APPENDIX I

BIBLIOGRAPHY

[The Library of Congress Legislative Reference Service]

SELECTED REFERENCES ANNOTATED

A. Discrimination because of race, color, creed, or national origin (including a few general references)

NATIONAL

Bullock, Paul. Combating discrimination in employment. California management review, v. 3, Summer 1961:18-32.

Focuses upon economic necessity for merit employment, the problems confronted and techniques used by employers in combating discrimination.

———. Merit employment: nondiscrimination in industry. Los Angeles, Institute of Industrial Relations, University of California [1960]. 101 p. (HD 4903.5.U58B8)

Surveys nature and history of discrimination and the measures to establish merit employment.

David, Harry. Under-used sources of employees. Washington, U.S. Small Business Administration, 1959. 4 pp. (Small Marketers Aids No. 38)

Brief discussion of three categories of forgotten workers: (1) middle aged and older employees; (2) handicapped workers, and (3) members of minority groups. Emphasizes merits of each group and reasons for hiring them.

Emerson, Thomas I. and David Haber. Political and civil rights in the United States. Buffalo, N.Y., Dennis & Co., Inc., 1958. 2 v. (2d ed.)

Ch. VII. Discrimination, D. Employment, p. 1422-1483: Excerpts of cases and material on problem of discrimination in employment.
 Ferman, Irving. Discrimination in employment. *New York law forum*, v. 6, January 1960:59-68.

Predicts end of discriminatory practices in view of future labor supply demand.

Fleischman, Harry. Is labor colorblind? *Progressive*, v. 23, November 1959:24-28.

Discrimination in labor unions has lessened, but "labor still has a long way to go before full equality prevails in all unions."

Greenberg, Jack. Race relations and American law. New York, Columbia University Press, 1959. 481 p.

Ch. VI: Earning a living, pp. 154-207.

Development of antidiscrimination in employment and role of law in reduction of discrimination.

App. A, Sec. 8-16: Citations to State and municipal legislative material dealing with discrimination in employment.

Hill, Herbert. Discrimination in employment. *Congressional Record* (daily ed.) v. 107, August 31, 1961:A6912-A6914.

Statement as labor secretary of the NAACP before House Committee on Education and Labor, August 22, 1961.

———. Racism within organized labor: a report of 5 years of the AFL-CIO, 1955-1960. *Journal of Negro education*, v. 30, Spring 1961:109-118.

Gives examples of discrimination against Negroes in unions, particularly craft unions. Finds that regardless of the stated aims of AFL-CIO regarding Negro rights, little has been done to assure them.

Holleman, Jerry R. The job ahead for the President's Committee on Equal Employment Opportunity. *Labor law journal*, v. 12, July 1961:618-621.

The Vice Chairman of the President's Committee explains the methods used by Committee to attain objective.

Hope, John, II. Equality of opportunity; a union approach to fair employment. With introduction by Hubert Humphrey. Washington, Public Affairs Press [1956]. 142 pp. (HD 4903.5.U56H0).

Javits, Jacob K. Discrimination—U.S.A. New York, Harcourt, Brace & Co., 1960. 310 pp.

Ch. 5: Discrimination in employment

Ch. 6: Equality of opportunity in employment.

Surveys Federal and State actions against racial discrimination.

Koversky, Irving. Racial discrimination in employment and the Federal law. *Oregon law review*, v. 38, December 1958: 54-85.

Assumes that antidiscriminatory laws protecting employment rights are inevitable. Describes attempts and measures by Federal Government to prevent discrimination.

Maloney, Walter H., Jr. Racial and religious discrimination in employment and the role of the NLRB. *Maryland law review*, v. 21, Summer 1961: 219-232.

A presentation of the development of the Federal law respecting racial discrimination with special reference to the NLRB.

National Association for the Advancement of Colored People. The Negro wage-earner and apprenticeship training programs: a critical analysis with recommendations. New York [1960]. 60 pp.

Study shows that Negroes are widely excluded from apprenticeship and training programs. Restrictions must be eliminated for effective use of manpower.

Norgren, Paul H. and others. Employing the Negro in American industry; a study of management practices. New York, Industrial Relations Counselors, 1959. 171 pp.

Results of a 2-year study based on interviews with management people in 44 companies.

Plan for equal job opportunity at Lockheed Aircraft Corp. *Monthly labor review*, v. 84, July 1961: 748-749.

Excerpts of agreement signed by Lockheed and President's Committee on Equal Employment Opportunity.

Pressler, Sylvia B. and Burton L. Funder. Discrimination in union membership: denial of due process under Federal collective bargaining legislation. Rutgers law review, v. 12, Summer 1958: 543-556.

An examination of the opportunities of the Negro to protest his exclusion from membership demonstrates the inability of the law to afford him necessary relief.

Prominski, Henry J. Racial discrimination in union membership. University of Miami law review, v. 13, Spring 1959: 364-369.

Believes Supreme Court must in time face the problem of racial discrimination in labor unions. Questions whether consequent increased interference by government in such private activities as unions is for the best.

Rayack, Elton. Discrimination and the occupational progress of Negroes. Review of economics and statistics, v. 43, May 1961: 209-214.

Advancement of Negroes since 1940; role of reduction of discrimination. Tables.

Ruchames, Louis. Race, jobs, and politics; the story of FEPC. New York, Columbia University Press, 1953. 255 pp. (HD 4903.5.U5SR8)

A study to present comprehensive picture of effort to achieve fair employment practices through Federal Government intervention.

Shaffer, Helen B. Negro employment. Washington, Editorial research reports, 1959. 575-590 pp. (Editorial research reports, v. 2, no. 5, Aug. 5, 1959)

Contents: Improvement in Negroes' job opportunities. Shifts in occupational status of the Negro. Conciliation versus compulsion on job bias.

Shishkin, Boris. Labor lifts the bar to opportunity. American federationist, v. 65, May 1958: 16-17.

Feels that a nondiscriminatory clause in a union contract is a step in the right direction but effective enforcement is of probable greater importance. Stalman, Donald. Discrimination and low incomes. American federationist, v. 68, January 1961: 17-19.

An attempt to explain why it is that impoverishment is so often found among the nonwhites.

U.S. Bureau of Labor Statistics. The economic situation of Negroes in the United States. Washington, 1960. 41 pp. (Bull. no. S-3)

Employment policies: Federal, State and trade union, pp. 17-27.

U.S. Commission on Civil Rights. Employment. Washington, U.S. Government Printing Office, 1961. 246 pp.

Report on discrimination in hiring practices, in promotion policies, in union activities, etc., throughout the United States.

U.S. Congress. Senate. Special Committee on Unemployment Problems. Readings in unemployment. Washington, U.S. Government Printing Office, 1960. 1716 pp. (Comm. print. 86th Cong., 2d Sess.)

Pt. II, Section 2. Special problem groups.

(d) Negroes

New York State Commission Against Discrimination: Nonwhite employment in the United States, 1947-1958, p. 872.

Ginzberg, Eli: Expanding economic opportunities, p. 877.

Stetler, H. G.: Training of Negroes in the skilled trades, summary and conclusions, p. 927.

Becker, Gary S.: The economics of discrimination, p. 957.

Hope, John, II: Equality of employment opportunity: a process analysis of union initiative, p. 961.

— Studies in unemployment. Washington, U.S. Government Printing Office, 1960. 432 pp. (Comm. print. 86th Cong., 2d Sess.)

Hope, John, II: The problem of unemployment as it relates to Negroes, p. 173-223.

U.S. President's Committee on Government Contracts. Five years of progress, 1953-58. Washington, U.S. Government Printing Office, 1958. 38 pp.

Company-by-company figures showing total employment and minority group employment.

— Faiths: joined for action: a report on the Religious Leaders Conference held under the auspices of the President's Committee on Government Contracts. Washington, [U.S. Government Printing Office, 1960.] 39 pp.

Conference primarily concerned with equal employment opportunities for Negroes.

——— Pattern for progress. Washington, U.S. Government Printing Office, 1960. 24 pp.

Covers activities of Committee from Oct. 1, 1959, to Nov. 30, 1960. Reviews achievements and presents recommendations.

Wellington, Harry H. The Constitution, the labor union, and "governmental action." Yale law journal, v. 70, January 1961: 345-375.

Deals with legality of refusal of railway labor unions to admit Negro members. A question of constitutional law is possibly involved.

REGIONAL, STATE, AND LOCAL

American Federation of Labor and Congress of Industrial Organizations. Your rights . . . under fair employment practice laws. [Rev. ed. Washington, 1960.] 32 pp.

State FEP measures and summaries of FEP laws.

American Jewish Congress. Commission on Law and Social Action. Report on State antidiscrimination agencies and the laws they administer. New York, 1957.

Charts giving details of the various State antidiscrimination laws included in appendix.

Bell, Derrick A., Jr. Pennsylvania Fair Employment Practice Act. University of Pittsburgh law review, v. 17, Spring 1950: 438-453.

Contents: Unfair employment practice under the act. Procedure under the act. Constitutionality of FEP legislation. Effectiveness of FEP acts in other States. Advantages of FEP laws to complainant. The Pennsylvania FEP Act—its comparison.

Bloch, Herman D. The employment status of the New York Negro in retrospect. Phylon quarterly, v. 20, Winter 1959: 327-344.

Reviews gains made by the Negro in New York in the field of employment. Discusses various means of discrimination and effects of each on the Negro.

Brooks, Tom. Negro American labor council is active in New York State: Negro labor leaders spark drive for equality. Industrial bulletin, v. 40, April 1961: 2-6.

Gluzberg, Eli. Segregation and manpower waste. Phylon quarterly, v. 21, Winter 1960: 311-316.

Brief account of (1) how the institution of segregation in the South-eastern States influences the shape of Negro manpower resources, and (2) the consequences of segregation of the present and future development of the region.

Green, Scott A. Last man in: racial access to union power. Glencoe, Illinois, Free Press, 1959. 189 pp. (HD 6490.R2G7)

Study of Mexican and Negro participation in labor union activities in Los Angeles area.

Karp, William. Job discrimination in Chicago. Chicago Jewish forum, v. 17, Summer 1959: 239-241.

Survey of employment situation in Chicago revealed a shocking amount of discrimination against nonwhites.

Kaufmann, Ernest T. Union membership denied on the basis of racial discrimination. Wisconsin law review, v. 1958, March 1958: 294-311.

Comparison of Wisconsin law with that of other States. Analysis of some problems which might arise.

Konvitz, Milton R. A century of civil rights. With a study of State law against discrimination, by Theodore Leskes. New York, Columbia University Press, 1961. 203 pp.

Chapter 7: Establishment and activities of Federal and State Fair Employment Practice Commissions. Cases and judicial decisions on State FEP laws. Constitutionality and effectiveness of State laws.

Kovarsky, Irving. A review of State FEPC laws. Labor law journal, v. 9, July 1958: 478-494.

Believes FEP laws are socially desirable, and makes various recommendations for strengthening them.

LeBreton, Preston P. and Betty L. LeBreton. The Michigan State Fair Employment Practices Act. University of Detroit law journal, v. 34, No. 3, 1957: 337-347.

Contents: Extent and provisions of the law. Administrative framework as set by law.

- Margolin, Mollie. Fair employment practices acts, State legislation. Chicago, Council of State Governments, 1958. 88 pp.
- Morgan, Chester A. An analysis of State FEPC legislation. Labor law journal, v. 8, July 1957: 469-478.
- In 12 years 15 States passed FEPC-rooted laws; none succumbed to constitutional attack. Surveys such laws and theory prompting their passage by the States.
- Negroes in apprenticeship. New York State. Monthly labor review, v. 83, September 1960: 952-957.
- Excerpted from Apprentices, Skilled Craftsmen and the Negro: an analysis published by the New York State Committee Against Discrimination, April 1960.
- New York. New School for Social Research. Discrimination and low incomes. New York, Interdepartmental Committee on Low Incomes, 381 pp. (HD 4903.5.U6N388.)
- Studies on social and economic discrimination against minority groups (Negroes and Puerto Ricans) in New York State.
- Robinson, Joseph B. The new fair employment law. Ohio State law journal, v. 20, Autumn 1959: 570-582.
- Origin, history and terms of act. Said to be regarded as most advanced FEP law in effect.
- Shirk, Elliot M. Cases are people: an interpretation of the Pennsylvania fair employment practice law. Dickinson law review, v. 62, June 1958: 289-305.
- Summarizes law. FEPC given authority to enforce compliance with FEP law by conciliation before resort to the courts.
- Southern Regional Council and Houston Council on Human Relations. The Negro and employment opportunities in the South. November 1961. 22 pp.
- Report on effect of discrimination in Houston.
- Weintraub, Robert. Employment integration and racial wage differences in a southern plant. Industrial and labor relations review, v. 12, January 1959: 214-226.
- Examines effectiveness of International Harvester's policy of nondiscrimination in its Southern operations. Reports considerable degree of success.
- B. Discrimination against women*
- Back from the home to business. Business week, October 7, 1961: 92-99.
- Lists reasons for attitudes of management relative to equal employment opportunities for men and for women.
- Elimination of discrimination in wage rates based on sex. Congressional Record (daily ed.), v. 107, August 30, 1961: 16448-16450.
- Bill introduced by Senator McNamara, with explanatory statement and analysis by Secretary of Labor Goldberg.
- Lanham, Elizabeth and Lola B. Dawkins. Women in business: equal pay for equal work? Austin, Bureau of Business Research, University of Texas, 1959. 14 pp. (proc.)
- Survey of personnel policies applied to men and women employed in comparable high-level positions.
- Leopold, Alice K. Federal equal pay legislation. Labor law journal, v. 6, January 1955: 7-32.
- Presents convincing case for enactment of a law requiring no discrimination in wage rates based on sex.
- National Manpower, Council. Womanpower: a statement and recommendations. New York, Columbia University Press, 1957. 39 pp.
- Recommendations by Council for expanding opportunities for effective development of womanpower.
- Selgler, Vernon. Equal pay for women laws: are they desirable? Labor law journal, v. 5, October 1954: 663-688, 736.
- Concludes that legislation is not a practical solution or cure for discrimination against working women.
- Shaffer, Helen B. Woman's place in the economy. Washington, Editorial Research Reports, 1957. Pp. 105-121. (Editorial Research reports, v. 1, 1957, no. 6, February 13.)
- Contents: Women vs. men in the labor market. Legislation on employment of women. Factors for and against women workers.

Smith, Georgina M. *The changing woman worker: a study of the female labor force in New Jersey and in the Nation from 1940 to 1958*. New Brunswick, N.J., Rutgers State University, Institute of Management and Labor Relations, 1960. 23 pp.

Pt. III: Gives some of the problems related to employment of women. United Nations. Secretary-General. *Equal pay for equal work*. New York, United Nations, 1960. 65 pp.

Indicates action taken in various countries to promote equal pay principle, methods of application and problems that arise.

U.S. Congress. Senate. Special Committee on Unemployment Problems. *Readings in unemployment*. Washington, U.S. Government Printing Office, 1960. 1716 pp. (Committee print. 86th Cong., 2d sess.)

Pt. II, Section 2. Special Problem Groups.

(c) Women

Bancroft, Gertrude: *Changes in utilization of women in the labor force*, p. 848.

National Manpower Council: *Opportunities for the effective development of womenpower*, p. 861.

Wolfe, Dael: *Employment of educated women*, p. 866.

C. Discrimination because of age

Age discrimination in employment. *Congressional Record*, v. 104, February 28, 1958: 3099-3103.

Four articles from the *Machinist*, inserted by Jacob Javits: (1) Age discrimination—blacklisted at 40. (2) Exploding the management myths. (3) What unions can do. (4) Age discrimination—what the Government can do; what the individual can do.

Age discrimination in employment: an FEPC misfit. *Yale law journal*, v. 61, April 1952: 574-584.

Describes movement to prevent age discrimination in employment by legislative amendments to Fair Employment Practices Acts. Contains numerous bibliographic citations.

Age discrimination in employment: legislative and collective bargaining solutions. *Northwestern University law review*, v. 53, March-April 1958: 96-108.

Concludes that unnecessary age discrimination can be eliminated only through the joint efforts of industry, labor, and the Government.

The "aged"—management's dilemma. *Office management*, January 1960: 35-37, 175-178.

Considers some of the increasingly complex problems in hiring and retiring ever-growing older labor force.

Answer for the older worker. *IUD Digest*, Fall 1959:124-131.

Gives reasons for age discrimination in employment, and efforts to solve the problem.

California. Governor's Commission on the Employment and Retirement Problems of Older Workers. *Employment and retirement of older workers, recommendations and report*. [Sacramento, 1960]. 144 pp. (HD 6280.C32)

Ch. II: Age barriers to employment.

Ch. IV: Approaches to the problem of age barriers to employment.

Ch. VI: Pension plans and hiring practices.

Community Council of Greater New York. Committee on Employment and Retirement Practices for Older Workers. *Employment practices for older workers*. New York City, 1957. 19 pp.

Examines extent and seriousness of prejudice against hiring workers over 45. Gives reasons for and against employment of older workers. Summarizes what is being done to meet the problem.

Collins, James H. *Hiring middle age for what it can produce*. *Public utilities fortnightly*, v. 61, May 8, 1958:666-675.

Discusses important findings made by Labor Department in regard to the ability of middle-aged and older workers.

Culley, Jack F. and Fred Slavick. *Employment problems of older workers*. Iowa City, Iowa, Bureau of Labor and Management, College of Commerce, State University of Iowa, 1959. 38 pp.

Discusses discriminatory hiring, compulsory retirement policies, and preparation for retirement programs.

- Employment problems of the aged and aging. Legislative Council, Little Rock, Arkansas, 1958. 1 v. (Research report No. 85).
- Factual report analyzing nature of problem, employment barriers, peculiar to older workers and actions taken by various States to lessen them.
- Employment security and retirement of the older worker. Washington, U.S. Government Printing Office, 1961. 55 pp.
- Report of proceedings and outcome of the White House Conference on Aging.
- Finding a job after 40. Changing times, May 1961:25-29.
- Arguments against employing older persons answered on the basis of results of studies and surveys.
- Impressive gains reported in first 20 months of New York State's age discrimination law. Industrial bulletin, March 1961:13-18.
- Institute of Labor and Industrial Relations (University of Michigan and Wayne State University). Too old to work—too young to retire: a case study of permanent plant shutdown. Prepared for Senate Special Committee on Unemployment Problems. Washington, U.S. Government Printing Office, 1960. 74 pp. (Comm. print 86th Cong., 1st Sess.)
- Ch. 3 discusses influence on skill-level, age and race on employment opportunities.
- McKeon, Richard M. Discrimination and older workers. Social justice review, v. 53, July-August 1960:119-121.
- Gives myths and half-myths that exist about the older worker in regard to his employment.
- Morris, James R. Employment opportunities in later years. [Burlingame, California, Foundation for Voluntary Welfare, 1960] 125 pp. (HD 6280.M6)
- Ch. II: Hiring practices and the older worker.
- Ch. III: The age barriers in hiring.
- Nedvin, Norman. Employment problems of older workers. Social security bulletin, v. 20, April 1957:14-20.
- Presents some of the findings of the survey by Bureau of Employment Security.
- The older worker. Factory management and maintenance, v. 116, March 1958:85-96.
- Survey of personnel practices in 163 companies revealed facts about aging worker in manufacturing plants and what they mean to plant operating management.
- Older Worker Conference. Proceedings; How to achieve a better labor force by removing age barriers to employment, sponsored by the Commonwealth of Pennsylvania, Department of Labor and Industry, May 1958. Philadelphia, Pennsylvania, 1958. 241 pp. (HD 6280.C59)
- Pennsylvania. Bureau of Employment Security. Advisory Board on Problems of Older Workers. Breaking through the age barrier. [Harrisburg], 1958. 30 pp. (HD 6280.P36)
- Summary of thinking on employment of older workers.
- How to eliminate age barriers to employment. Proceedings of a conference on the problems of older workers, Pittsburgh, Pennsylvania, February 20, 1959. 40 pp.
- Conference summary lists 7-point program for community action on behalf of older workers.
- Sheppard, Harold L. Unemployment experiences of older workers. Geriatrics, v. 15, June 1960: 430-433.
- A study of 500 workers over 40 who lost their jobs because of permanent plant shutdown. Factors involved in their postemployment experiences were age, skill, and race and these experiences affected their social and political attitudes.
- U.S. Bureau of Employment Security. Employing older workers; a record of employers' experience. Washington, U.S. Government Printing Office, 1959. 56 pp. (BES no. R-179, May 1959)
- Illustrates practical way to secure qualified and experienced manpower.
- Pension costs in relation to hiring older workers. Washington, U.S. Government Printing Office, 1956. 26 pp.
- Concludes that pension and insurance costs need not stand in way of hiring on basis of ability to do the job, regardless of age.

- Brooks, Thomas R. "Negroes at Work," *Commonweal*, March 10, 1961, "Racism may soon replace racketeering as the big issue inside the labor movement."
- Bruner, Dick. "The Negro Bids for Union Power." *The Nation*, March 5, 1960.
- Buckley, Louis F. "Discriminatory Aspects of the Labor Market of the 60's," *Interracial Review*, March, 1961.
- Bullock, Paul. *Merit Employment: Nondiscrimination in Industry*. 1960. Institute of Industrial Relations, University of California, Los Angeles, California.
- Comparative Analysis of STATE FAIR EMPLOYMENT PRACTICES LAWS. Anti-Defamation League of B'nai B'rith, 515 Madison Avenue, New York 22, New York. October, 1959.
- Development of Training Incentives for the Youth of Minority Groups, 1957. President's Committee on Government Contracts, Washington 25, D.C.
- "Dixie Labor," Roscoe Born. *The Wall Street Journal*, December 4, 1957.
- The Economic Situation of Negroes in the United States. U.S. Bureau of Labor Statistics Bulletin S-3, October 1960. Washington: U.S. Department of Labor.
- Equal Job Opportunity: Fourth Annual Report. President's Committee on Government Contracts, 1957.
- Equal Job Opportunity: Procedures for Filing Complaints under Executive Order 10479. President's Committee on Government Contracts, 1957.
- Fair Employment Practices Acts and Civil Rights, Constitutional and Statutory Provisions of the States. 1958. The Council of State Governments, 1313 East 60th Street, Chicago 37.
- Fleischman, Harry and Rorty, James. *We Open the Gates*. National Labor Service, 386 Fourth Avenue, New York 16.
- Ginzberg, Eli, et al. *The Negro Potential*. New York. Columbia University Press, 1956. While tracing the gains that Negroes have made since 1940 in getting more and better jobs in the urban economy of the North and South it points up how far they still lag behind whites.
- Ginzberg, Eli and Dray, Douglas W. *The Uneducated*. New York: Columbia University Press, 1953. Arising from a concern with the waste of manpower, this book sets as its problem the discovery of educational opportunities and attainment for the U.S. population.
- Ginzberg, Eli. "Segregation and Manpower Waste," *Phylon*. Winter 1960. Atlanta University.
- Greer, Scott. *Last Man In: Racial Access to Union Power*. Glencoe, Illinois. The Free Press, 1959.
- "Guidance, Training and Apprenticeship Factors Affecting Minority Groups," Manpower Utilization Special Issue, *Journal of Intergroup Relations*, May 1960.
- Henderson, Vivian W. "The Economic Imbalance," an Inquiry into the Economic Status of Negroes in the United States, 1935-60, *Journal of Negro Education*, Winter 1961.
- Hill, Herbert. "Labor Unions and the Negro," *Commentary*, December 1959.
- Hill, Herbert. *NAACP Labor Manual: A Guide to Action*. New York: National Association for the Advancement of Colored People.
- Hill, Herbert. "No Harvest for the Reaper." *The Story of the Migratory Agricultural Worker in the United States*. NAACP.
- Hill, Herbert. "Racism Within Organized Labor: A Report of 5 Years of the AFL-CIO, 1955-60." Labor Department, National Association for the Advancement of Colored People.
- Hill, Herbert. "Recent Effects of Racial Conflict on Southern Industrial Development," reprinted from *Phylon*, Fourth Quarter, 1959.
- Hill, Herbert. "Status of Negro Workers at Lockheed Aircraft Corp." *The Crisis*, March 1957.
- Hope, John, II. "Current Minority Policies and Their Implementation in International Unions." *The American Journal of Economics and Sociology*. 10: 370-88, July 1951.
- Hope, John, II. "Efforts to Eliminate Racial Discrimination in Industry with Particular Reference to the South." *The Journal of Negro Education*, vol. 23 (Summer 1954) 262-272.
- Hope, John, II. "The Employment of Negroes in the United States by Major Occupation and Industry." *The Journal of Negro Education*, Summer 1953.
- Hope, John, II. "Equality of Employment Opportunity: A Process Analysis of Union Initiative," *Phylon*, vol. XVIII, no. 2, 1957.

- Hope, John, II. "The Problem of Unemployment as It Relates to Negroes." Section 8 (pp. 173-225) in *Studies in Unemployment*, prepared for the Special Committee on Unemployment Problems, U.S. Senate, pursuant to S. Res. 196, 86th Congress. 1960. Washington, D.C.
- Hope, John, II. *Three Southern Plants of the International Harvester Co.* National Planning Association, Washington, D.C.
- Kunze, Karl R. *Merit Employment*. 1960. Management and Industrial Relations Committee, Post Office Box 75839, Stanford Station, Los Angeles 5.
- "A Manual on Fair Employment Practices." United Automobile, Aircraft, and Agricultural Implement Workers of America. Detroit, Mich. UAW-CIO, Education Department, 5707 Second Boulevard.
- Merit Employment in Chicago*. Chicago: Chicago Commission on Human Relations, 54 West Hubbard Street, 1958.
- "Negro Buying Power." Report No. L-18, June 29, 1960. Southern Regional Council, 5 Forsyth Street NW., Atlanta 3, Ga.
- "The Negro's New Economic Life," *Fortune*, September 1956.
- Nicholls, William H. *Southern Tradition and Regional Progress*. Chapel Hill: University of North Carolina Press, 1960. The author goads the South toward the better life as an integral part of the Nation, seeing the problems of race and agrarian life as the core of the region's problem.
- Norgren, Paul H., Webster, Albert N., Borgeson, Roger D., and Patten, Maud B., *Employing the Negro in American Industry. A Study of Management Practices*. Industrial Relations Monograph, No. 17. New York: Industrial Relations Counselors, 1959.
- Owens, Joseph A. "Integration in Industry," the *Catholic Digest*, April 1961. "Good jobs kill slums," says Joseph J. Morros of Pitney-Bowes, Inc.
- Pattern for Progress—7th Report—Final Report to President Eisenhower from the Committee on Government Contracts*. 1960. Government Printing Office, Washington 25, D.C.
- President's Committee on Government Contracts*, Washington 25, D.C. Sixth Report to President Eisenhower, December 1959.
- Purcell, Theodore V. *Blue Collar Man: Patterns of Dual Allegiance in Industry*. Cambridge, Mass. Harvard University Press.
- Rackaw, Felix. *Combating Discrimination in Employment in New York State*. Ithaca: New York State School of Industrial and Labor Relations, Cornell University, 1950.
- Roper, Elmer. *The High Cost of Discrimination*. New York 16: National Conference of Christians and Jews, Commission on Labor-Management Organizations, 43 West 57th Street, New York 19.
- Ross, Malcolm. *All Manner of Men*. New York: Reynol and Hitchcock, 1948.
- Segal, Benjamin D. "Racism Stymies Unions in the South." *The New Leader*, November 11, 1957.
- "Segregation Costs," Cal. Brumley, the *Wall Street Journal*, December 17, 1957.
- "Segregation Tactic," Lester Tanzer, the *Wall Street Journal*, December 27, 1957.
- Seldenberg, Jacob. *Negroes in the Work Group*. New York 16: National Conference of Christians and Jews, Commission on Labor-Management Organizations, 43 West 57th Street, New York 19.
- "Selling Segregation." Ed Cony. The *Wall Street Journal*, December 4, 1957.
- Smith, Stanley Hugh. *Freedom of Work*. New York: Vantage Press, Inc. 1955. Deals specifically with FEP law and evaluation of.
- Sobel, Irvin; Hirsch, Werner Z.; Harris, Harry C. *The Negro in the St. Louis Economy*.
- Southall, Sara E. *Industry's Unfinished Business: Achieving Sound Industrial Relations and Fair Employment*. New York: Harper & Bros., 1950.
- Tannehill, Ann. *From School to Job: Guidance for Minority Youth*. Public Affairs Committee, 22 East 38th Street, New York.
- Unions and Minority Discrimination*. Jewish Labor Committee. New York.
- Your Rights under Fair Employment Practice Laws*. 1960. Prepared by the Community Relations Service, Institute of Human Relations, 165 East 58th Street, New York 22.

